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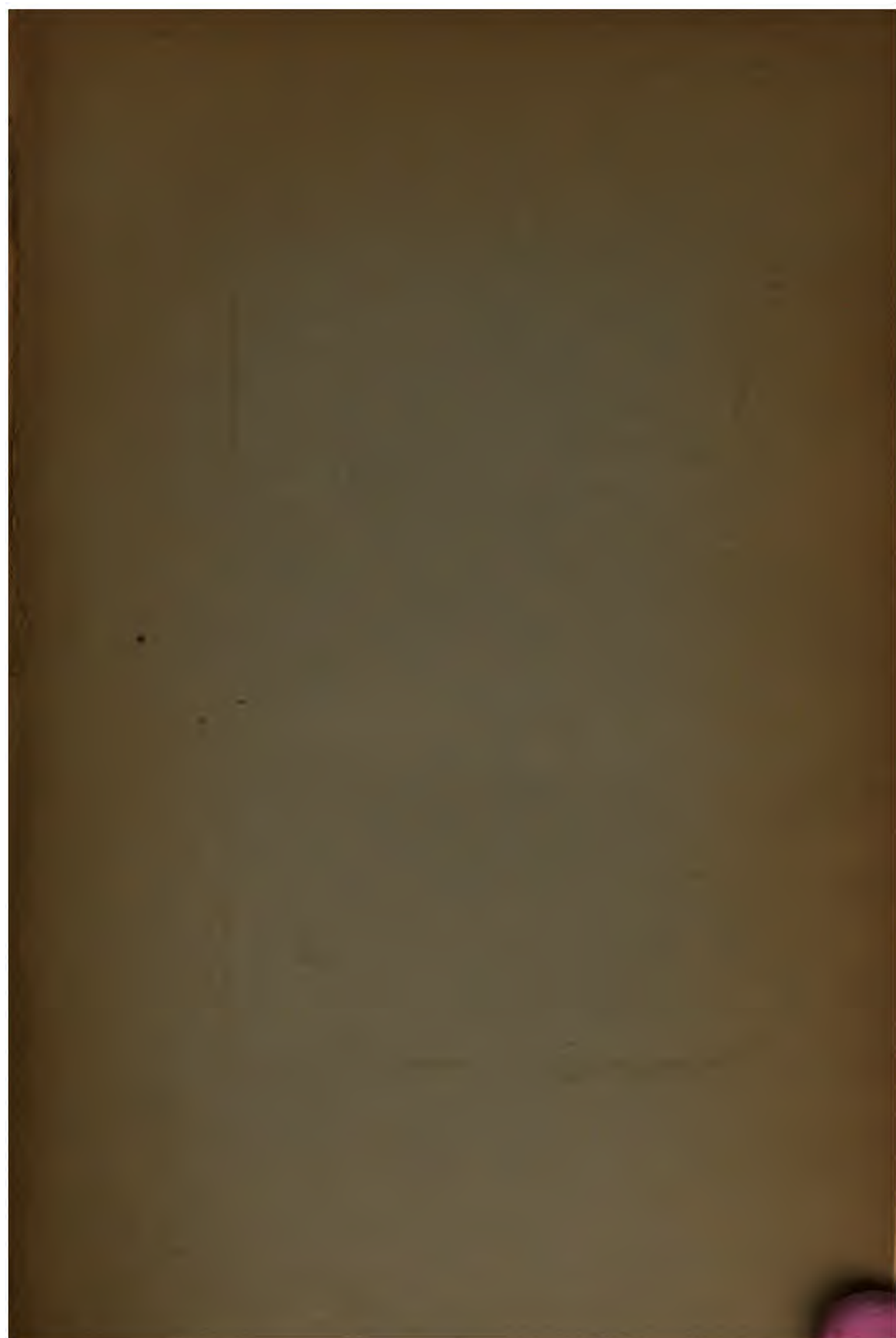
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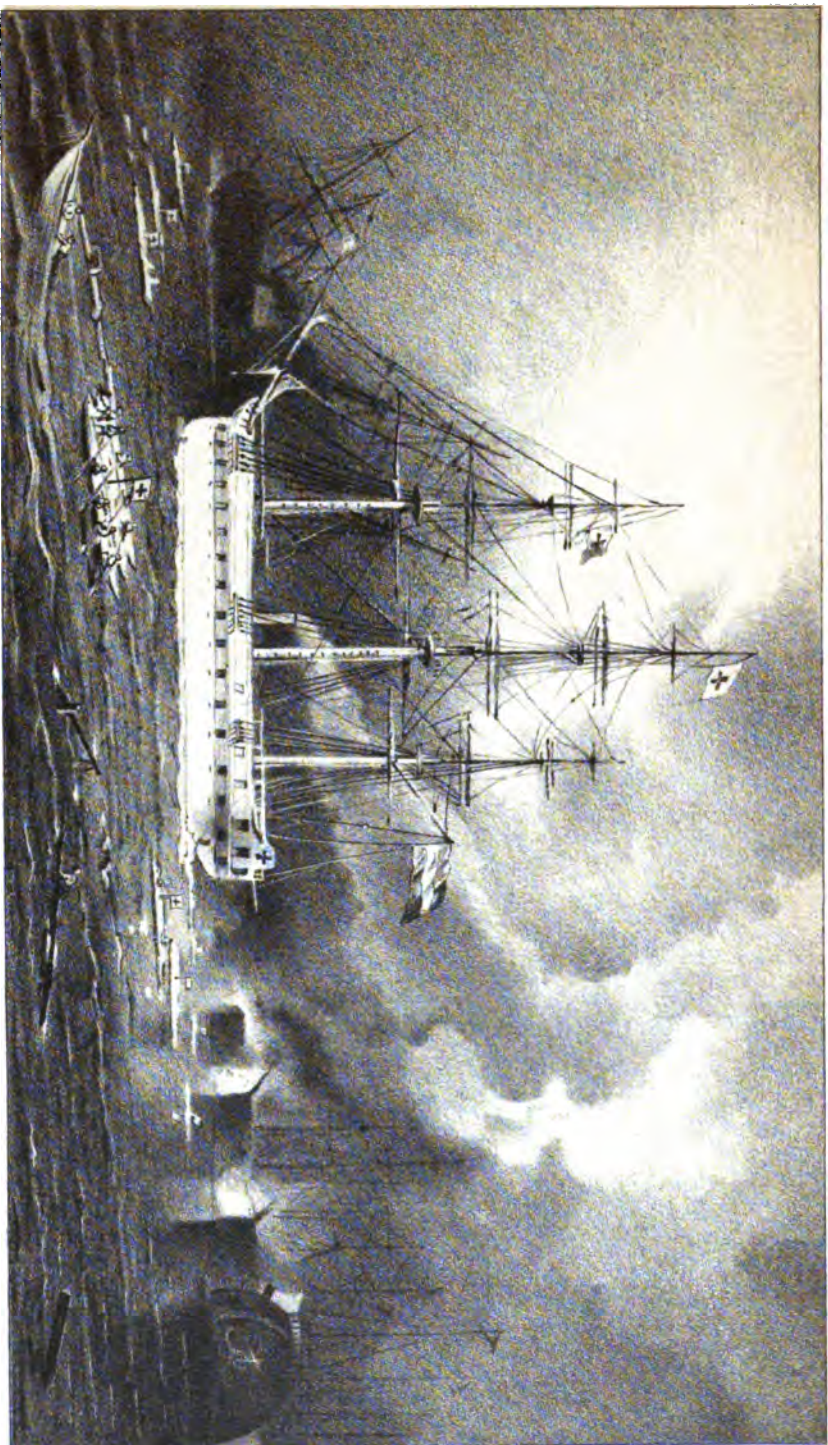
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THE INTERNATIONAL CONFERENCE OF THE HAGUE.



Ltj. G. J. THOMPSON, AMERICAN.

THE RED-CROSS ALLIANCE AT SEA.

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THE INTERNATIONAL CONFERENCE OF THE HAGUE

A Plea for Peace in Social Evolution

BY

J. **HELENUS FERGUSON,**

*Member of the Institut de Droit International, Author of
Manual of International Law, The Philosophy of Civilization,
The Red-Cross Alliance at Sea, etc.*

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TO
THE RIGHT HONOURABLE
SIR ROBERT HART, Bart. G. C. M. G.

Hon. Member of the *Institut de Droit International*
etc. etc. etc.

**This Study is dedicated
as an humble mark of homage and admiration,**

BY
THE AUTHOR.

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# A Plea for Peace in Social Evolution.

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## I

### THE MORAL LAW OF NATURE.

Social life is the natural consequence of human organism, for man does not exist in an isolated state, as long as natural causes have free play. By virtue of the intellectual faculties and the sensibility of his mind, man is essentially a social being, and he is always bound to be so, whatever may be the nature of his associations, which vary in conformity with the special circumstances effecting his development and modify the degree of civilization to which he actually attains. This is the natural origin of societies or aggregates of human beings which are called *Nations* or *States*, the reciprocal moral as well as material or political relations of which form part of the subject matter of *International Law*.

Hugo de Groot, — more generally known as Grotius, — the acknowledged founder of the science of International

Law, the blessed reformer who stemmed the current of moral corruption, caused by the policy of dissimulation, injustice and crime, as taught by Machiavelli and his school, in that dark period of European society, in which criminal frauds and treacherous artifices made up the policy called «Reasons of State», — maintained, in his famous work : «The Laws of War and Peace», <sup>1)</sup> the existence of a naturally fixed Standard of Right, and thus of a real distinction between right and wrong. This standard is the Moral Element of the Law of Nature, which manifests itself through the rules of conduct imposed by human *Conscience* and *Sympathy*. These are the two Moral Senses of the developed human mind, bred by Christianity. — the religion composed of Justice and Benevolence combined. That powerful motive, which may be defined : «a constant and perpetual disposition to render every man his due with love,» — indispensable for the maintenance of any society of rational human beings, — is the Moral Law of Nature, the *Jus Naturale*, the *vis-viva* of the Moral Element of the Spirit of Creation, the source of the Moral Senses, Conscience and Sympathy, which, combined, form the human *Common Sense*.

These ideas that were latent in the popular conscience, found expression, through the leading minds of their time, — by men like Franciscus à Victoria, Covarruvias, Soto, Saurez, Melanchton, Olendorp, Hemming, Albericus Gentiles, — whose arguments were finally summed up conclusively by Hugo Grotius before the grand jury of civilized humanity, and the verdict thereupon given, which saved modern

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1) *DE JURE BELLI AC PACIS*, of which the last Latin edition, corrected by the Author, appeared at Amsterdam, in 1642, has been repeatedly translated. The best French translation is that of Mr. Pradier Fodéré, published in 1807.

civilization from drifting back into the chaos of the dark ages of European barbarism.

This is the result of the working of the Moral Element of Nature in the individual mind of the thinking and leading members of society, by which process, — rendered more or less perfect according to the degree of susceptibility possessed by those minds as to the influence of the moral element, — the Popular Conscience or Dominant Morality is formed. In conformity with the Popular conscience an *International Spirit of Law* is generated from the relations which naturally must spring up between individual States, and this Spirit of Law displays the influence which it exercises on the external life and voluntary acts of Nation towards Nation, by producing those *Usages*, which form the basis of rules called Laws of Nations or International Law (*jus inter Gentes*).

Thus it is, that International Law, not being capable of being put into the form of Positive Law by any wordly authority, depends for its support entirely on the spontaneous development of civilization, as engendered in the moral-mental organism of man, through the moral senses Conscience and sympathy. Under this influence — which might be called the influence of the Moral Element of Nature, i.e. the Soul, — International Law has been gradually modified, in conformity with the progress of Christian Civilization. In the same proportion as Nations advance in civilization, their rules of conduct towards eachother are gradually brought into conformity with the principles of justice and morality and find henceforth support, not only in material considerations and purely selfish motives of mutual benefit, but also in the awakened human Conscience and Sympathy,

tending, more and more, towards the practical observance of the dictates of the Moral Senses. And this takes place, not only in the case of States of equal strength and pretensions, but, indiscriminately, among all the members of the great commonwealth of Nations. This constitutes what is termed International Morality, which is the principal agent in the forming of the International Spirit of Law

«Righteousness exalteth a Nation while sin is a reproach to any People.» This warning lesson of ancient wisdom holds good for the rational dealings of Nation with Nation through all generations, and is fully acknowledged. — But alas! the influence which the Moral Law, — the Law of Conscience, — exercises on the actions of a Nation is not regulated by its national moral standard alone, but often also by its relative freedom from powerful outward causes of pressure. The foul drifts of «Policy» may sometimes be beyond the control of its most conscientious leaders. Thus it is, that we occasionally see Nations act in contradiction with their Popular Conscience, as exhibited by their popular organs, and this for want of a free will to follow the dictates of that conscience. It is thus the first duty of any sound State Policy to keep clear of a position so degrading to the national character, by securing a free exercise of the National Conscience. Yet, fortunately there is a way to get clear of impediments; this is by strengthening international morality, through International Conferences like the present Peace Congress at The Hague.

It is said, there can be no Law between Nations, as there is no palpable authority, nor any acknowledged common superior, no international executive to enforce the precepts of International Law. No Nation will take up arms

to punish another Nation, who, whilst engaged in warfare, wilfully disregards the common Usages among civilized Nations. And it is natural that such be the case, for the very attempt to set up such an authority of external nature over the affairs of Nations, would prevent the pure development which international morality must enjoy through the free progress of Civilization. It is true: *«pour ce genre d'infraction il n'y pas de juge ici-bas,»* for what human institution could sit in judgment over transgressions of this nature, over crimes committed by Nations? But mind, it is not the physical enforcement of a law which constitutes its legality; the principal condition for the existence and maintenance of all necessary laws is the moral sanction, for no power, be it ever so strong, can uphold an unjust law for any length of time. Justice is a law of Nature and not the offspring of human power, for what becomes of the power which is not based on Justice?

Let history speak and you shall find that where the two are combined, there it is Justice above all which is indispensable for the preservation of power. Justice and Benevolence form the Moral Law of Nature; whenever Nations come in contact with each other, their mutual intercourse is subject to this Moral Law, as the law which is naturally binding before any formal compact have evolved from such intercourse. Another essential consequence of the supreme rule which this Law of the Moral Senses exercises, as regards the affairs of Nations is this, that by applying or keeping in view these principles, serious differences which might arise between States can, on this basis, be settled by *arbitration*, for, when the absence of positive instruments and proofs might render the solution difficult or even impossible,

there are the principles of Justice and Humanity on which all agree.

We have seen above that International Law is the practical outcome of the individual moral senses Conscience and Sympathy, which combined, form the genuine Common Sense (*Sensus Communis*) of civilized humanity. Common Sense is not the culture of intellect alone, for it is the instinct of Righteousness, i. e. of what is Just and Benevolent: the spontaneous working of both the moral Senses, from whose combined action originates the conception of the Good. Here we have the influence which the Moral Element of Nature exercises on the progressive Social Evolution of the human race. Common Sense is the conviction generated in the mind through *feeling* as well as *intellect*, — the plain practical logic of the normal, sound, unbiassed mind, under the influence of moral development, and thus the language of Conscience and Sympathy in union, by the harmony of which all moral arguments are physiologically tested. As such, it is the only sure foundation for the loftiest structures of human thought, the safe holding ground for the anchor of a sound mind, which, losing this, is cast adrift among the cliffs of inextricable doubts and destruction. It is the only logic comprehensible to the popular understanding, as it speaks to Feeling as well as to Intellect, of which two co-existing elements the Popular Consciousness is formed. Where the mechanism of Intellect is inadequate, there Feeling, — which is the *moral nerve-centre* of the mind, responding to the stimuli of the Moral Senses, — supplies the want, — analogous to the «reflex-actions» of the physical nerve-centre, which follow mechanically on the stimuli of the *physical senses*. This moral substractum of the Ego constitutes the law of

the conscious mind and forms the condition under which we think, when the mind, having entered into its full intellectual and moral development, is unbiassed, pure and unshackled by egoism. Hence the truth of some propositions is *felt*, when intellect alone, — «*la raison raisonnante*,» — with all the force of its bare arguments, could not satisfy the mind as to its obligation to do what is *good* — and nothing else.

A striking instance of the action of genuine common-sense of the civilized mind is the effort to stop the dangerous preparations for War, going on among European Nations at present, — for War between civilized Nations is the abnormal social condition, produced by the temporary retrogression of the respective International Spirit of Law, caused by the degeneration of the Popular Conscience. These abnormal variations of the International Spirit of Law, which governs social relations, are, like all other deformed products of Nature, real *Monstrosities*, — the degree of monstrosity being defined by the greater or lesser deviation from genuine Common-Sense, which, as shown above, is the manifestation of the Moral Law of Nature in human mind. In fact, the present International Conference at The Hague is a vital proof of the action of human Conscience and Sympathy in combating war-provoking selfish passions and ambition for vain glory, with all the means dictated by a powerful International Popular Conscience.

The origin of the motive principles which guide this noble Christian movement is explained above. Whatever may befall these theories; if all be swept away or pulled down by Criticism, one fact cannot be suppressed: — it



is the living consciousness of Justice and Benevolence. Our Moral Senses no one can deny. It is beyond human power to smother Conscience and Sympathy; both ever active, monitors of duty, in their combined action, will find, in the annihilation of brutish selfishness, the very nature of the task to be fulfilled in the great aim of the Moral-Mental Evolution of the Human Race.

Thus the Moral Senses point to the goal of Christianity, which is *Righteousness*, — and though their struggle with the lower propensities of the material animal nature be hard and continuous, yet the Moral-Mental Organism of Man, — in order to comply with the Evolution process of Nature, — *shall* reach the goal, when upheld by the invigorating influence of the Christian Faith. While other creeds have moved the mass with sweeping fanaticism that brought whole tribes into fierce activity, with religion and their God for warcries, to be smothered in blood, — or, while stereotyped dogmas, built on sickly imagination, have ended with a stunt in the moral-mental growth, — Christianity is developing this human organism, working and growing and being perpetuated by ever recurring conversions; winning souls one by one, but growing surely and steadily, — working the human moral-mental organism to its destination. In strengthening the human mind against any impure contingency, that might enslave the moral senses, it works unrelentingly towards the perfection of the human race. Christianity thus fostering the evolution-process of the Moral Mental Organism of Man, constitutes the test of Civilization and proves itself to be the Natural Religion of Mankind. Outside Christianity no Civilization!

Goethe said that the true standpoint to be taken in all

criticism, — thus also in the criticism of civilization, — is not to deviate from the *whole*, the *good* and the *beautiful*:

«Im Ganzen, Guten, Schönen,  
resolut zu leben».

We all resolve to live in the «whole», the «good» and the «beautiful»; — but where is the good and what is beautiful and can we ever grasp the whole? Göethe gives a good prescription, but where are we to look for the ingredients?

But there is a sure guide in Nature, brought to light by Christianity. Here we find the standpoint for an enlightened view of Civilization. Our moral senses, Conscience and Sympathy, strengthened by the Christian Faith, will ever be the sure guiding lights to human destination; —

The Good man, through all the foul drifts of life,  
Is soon conscious of the right course in strife:  
Two Moral Senses, — God's gift through your Soul —  
Conscience and Sympathy, guide to the goal.  
When Conscience is clear and Sympathy bright,  
't Is *Justice* that leads with *Mercy* in sight.  
These headlights of Faith in Christ find support:  
Keep these Lights in one, — Heaven is your Port!

## II.

### THE MOTOR OF CIVILIZATION.

And so, may Conscience clear and Sympathy bright guide the minds of the eminent men, gathered at The Hague, — as representatives of Civilized Mankind, — to discuss about the best practical method to avoid, as much as possible, the curse of war between civilized nations.

It is obvious that, in the present state of civilization, the mutual intercourse of States exercises a growing influence on their respective internal progress. The duties of every Government are external as well as internal. The external obligations form a prominent part of the *raison d'être* of any independant State and are essential to its existence. Thus, in the case of all well-organized civilized States, their mutual rights and corresponding obligations are, respectively, of the same nature. The interests and duties of States being indetical in their nature, it follows, that the interests of Civilized States are mutually so interwoven, that each, by the *due* performance of his own duties, may promote the welfare, not alone of himself but of the whole Commonwealth of Nations. Again, it is obvious that the substitution of *might* for *right* brings misery, not only on the oppressed but also on the oppressor.

These are the leading motives for a general international peace conference.

We have seen that the Moral Element in Nature is the Motor of Civilization. History records the material struggle for existence of the human race in different forms. On the one hand we find striking attempts of man to raise himself above the position of the animal appetites of the «Hobbesian war of each against all;» on the other, frightful failures in this struggle. And yet, from the first dawn of history it is proved that man had intuitive conception of a higher destiny than the wolf, the hyena or the mammoth among which he lived. As to prehistoric man, the imperfect relics of rock-records give no evidence whatever to base any conclusion on, with regard to the origin of the link between man and brute. The link is entirely missing; there is a

gulf not yet bridged over by science or history. The ethical germ implanted in this particular species of Nature is manifested, as *fact*, through his continuous struggle to attain to better material and intellectual development, not only, but to arrive also at higher moral attainments, in higher conditions of thought and conduct. This ethical germ is slowly yet surely developing into the higher type to which the human species alone is destined to arrive. This ethical germ, whose existence is thus proved, is the manifestation of the human Soul, a particle of the Spirit of Creation, discernable in all pursuits of man, as the preordained principle of development. It is the level of the Motor of Evolution of the individual moral-mental organism and of the social organism.

In the most exalted moral strife like in the plainest pursuits of human conduct, in industry, in art and science, this ethical level is perceptible. If naturalists would join hands with moralists, the investigation of the course of evolution in the moral-mental sphere would become a practical science. If they would only lay aside, for a moment, their jocular-flippant way of explaining the origin and growth of the human species, and, when free from these fashionable modern free-thinker's affectations, if they would also cast off the prejudices of atheism, science would wring from Nature convincing revelations with regard to the Moral Element, — the undeniable power we plainly conceive is underlying human actions. And by diligently recording the peculiar ethical habits of the species called man with the care naturalist usually bestow on the observation of the instinctive habits of plants and insects, they would find the *human soul* more clearly demonstrated in the human instinct

than any tendency in the cross-breeding of pigeons, the habits of dogs or variations in orchids, to which minute observations such as giant patience and perseverance are applied by naturalists, for the immortalization of their own name.

If Naturalists would give but a tenth part of this patience to the careful observation of the development of the *soul* in the infant, during the first decade of its life, they would learn the origin of the Moral Senses from the unsophisticated truth, unselfishness and sympathy, so naturally and spontaneously elicited by the innocent child.

The Moral Element, by manifesting itself in all human actions, indicates the way to solve the social questions, with regard to the struggle for existence between the moral and material nature of man.

### III.

#### THE PLEAS FOR WAR.

As to the plea that War is a necessary evil to check overpopulation, and thus a help to society, — this is positively contradicted by the facts of modern history.

Let us take, for instance the material condition of Great Britain at a certain time. In 1881 the population of Great Britain was 35,241,482, exceeding the number in 1871 by 3,396,103, giving an average increase yearly of 339,610 souls. This frightful increase of claimants to the world's granaries seems appalling and it looks like the coming of Malthus' merciless prophecy. And yet, has any wholesale starvation brought down to its so-called economical level the population of this country,—of which it is moreover asserted that the produce of the soil falls short by nearly

one half of the real quantum-sufficit — ? — No, notwithstanding its fierce struggle for existence, this population has gone on steadily progressing, under the greatest Malthusian disadvantage, viz : that of some seventy years peace. without pestilence or even an epidemic worth speaking of to lighten the burden of this struggle a while. No catastrophe has befallen this ever-energetic race. Unflagging industry and energy have kept this people ever in the vanguard of material progress and moral civilization. Compare now this Nation with any other in the world; wick had all the material help for the keeping down of the population to the economical level — in the shape of famine through bad government, pestilence and war, — and we will have not to strain our imagination to conclude, that the living proof of the fallacy of the Malthusian doctrine is the British Nation.

And how came this to be?

In the first place, through the condition of internal and external peace, which is the main object of social organization; secondly, free scope for fair competition, hand in hand with security in the enjoyment of all the fruits of honest industry; thirdly, in the measures to mitigate, as much as possible, the burden of internecine material struggle for existence, through the application of State actions, based on intellect and moral principles combined, — *i. e.* by improving the productive power of the labouring class, through technical education, and maintaining the social stability by labour-legislation and free trade.

There is no need either for large armies to give employ to the people on State's expence, in order to help the labouring-class. When the labouring-class is convinced that the laws are made with strict observance of Justice and

Benevolence, they will not incur the perils of the consequences of anarchy, by revolting and upsetting their only guarantee to progress, which consists of good legislation. Unavoidable bitter times of low wages, stagnation in trade and other unforeseen calamities, will be borne patiently by the majority, — if the Moral Senses keep their sway and confidence in the Laws keeps discipline. But when, with unavoidable material misery is joined the want of moral senses, and the lower appetites get free scope, then the animal struggle for material existence of the brutish type sets in. Starvation, disease, physical pains and moral degradation all combine to sink the standard of civilization to its lowest stage.

Such a society is sick, dangerously ill, but it is not necessarily a hopeless case; it depends solely upon the way of treatment of the complaint to effect a radical cure, or to render the disease a chronic one by applying the dangerous opiates of the demagogue, — *i. e.* by flattering the masses with vain promises of reconstructing the social organism. The radical cure is the moral and intellectual treatment, not Militarism.

«Intelligence, knowledge and skill,» — so truly says Professor Huxley, — » are undoubtedly conditions of success; but of what avail are they likely to be unless they are backed up by honesty, energy, goodwill and all the physical and moral faculties that go to the making of manhood and unless they are stimulated by hope of such reward as men may fairly look to? Any full and permanent development of the productive power of an industrial population then, must be compatible with and indeed based upon a social organization which will secure a fair amount of physical

and moral welfare to that population which; will make for good and not for evil.»

This opinion of the great naturalist shows that, on crucial social questions, Science and Ethics go hand in hand. This is conspicuous with regard to Political Economy, where Ethics must necessarily coöperate to arrive at lasting results.

«Society,» — says Professor Huxley further, — «differs from Nature in having a definite moral object; whence it comes about that the course shaped by the ethical man, — the member of society or citizen, — necessarily runs counter to that which the non-ethical man, — the primitive savage, or man as a mere member of the animal kingdom, — tends to adopt. The latter fights out the struggle for existence to the bitter end, like any other animal; the former devotes his best energies to the object of setting limits to the struggle.»<sup>1)</sup>

Thus, — as stated at the beginning of this section,—*the Moral Element in Nature is the Motor of Civilization*; for it is the ethical notion of men, — more and more consistent,— which must become the governing principle of society, in order that the ethical man might succeed in setting limits to the animal struggle for existence. This the course of the social evolution process indicates it should be. The history of civilization, — that is of Society, — is the record of the attempts which the human race has made to follow the Moral Element in Nature, as governing principle of society: — for society not only has a moral end but, in its perfection, social life is embodied morality.

The well known *Malthusian theory* is another plea for War.

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1) PROF. HUXLEY. «The Struggle for Existence,» *Nineteenth Century*, February 1888



But the inevitable consequence of the growth of Nature, with regard to sentient species, is evil only from the materialistic point of view, and from an inadequate conception of evil. «Non-moral Nature» is a misnomer,—does not exist. In the sphere of the Moral-Mental Organism the physical evil that comes from Nature is a blessing to humanity. There are two sorts of evil—viz: the material or physical evil,—the *objective evil*,—which is necessary in the world to stimulate the moral senses, and give impulse to the Good, by stimulating the moral sense of the well-ordered individual mind,—and the moral evil, which is the *subjective evil*, as being the corruption of the mind. And, as it is evident that, from a moral point of view, the physical evil,—pain and sorrow, — coming from without, serve to improve the mind, by awakening Conscience and Sympathy, so is corruption of the mind,—the moral or subjective evil,—the doom of humanity. Hence the originator of evil is cursed, while the evil produced by him is brought under control, by the Moral Element of Nature. <sup>1)</sup>

If the brute creation is subject to the brute struggle for existence, marked by events, which, when viewed from our moral standpoint, would appear as cruelty to sentient nature,—this material struggle only exists in a highly moderated form in the sphere of mankind, where the Moral Element is constantly tempering egoism into altruism. Malthus failed by not taking into proper account the conditions of the co-existence of social organisms,—i.e. the material support

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1) «Woe unto the world because of occasions of stumbling, for it must needs be that the occasions come; but woe to that man through whom the occasion cometh.» St. Matthew. XVIII 7.

of international social life, — but the fallacy of the Malthusian theory exists also in its contradiction of the operation of the law of evolution, — *i.e.* of the experienced events of the evolution process of Nature, which secures all that live adjustment to environments; and this is not only true in organic evolution and in all biological conditions, but especially in the moral social organism.

Malthus has not reckoned with the Moral Element in Nature; that his theory is a figment, the history of Civilization teaches in all its stages. This history most decidedly proves, that the efforts of the *ethical man* have greatly modified the egoistic struggle for existence and the non-moral conditions of society, through the regenerating influence of the Moral Element in Nature; deep-seated organic impulses which impel the *material man* to follow his non-moral (*i.e. unnatural*) course have been gradually making place for the reign of the moral senses, Conscience and Sympathy. Everywhere when morality has waned, through the debasing effects of wealth and luxury, devastating wars and other physical *non-moral* checks on overpopulation, — there, — notwithstanding these checks, — fierce struggle for material existence issued, and this from want of the efforts of the ethical man. Phoenecia, Greece and Rome threw out their own national colonies, when they were at the height of power and prosperity. At the waning of their civilization, they were overrun by barbaric hordes, whom, in the selfishness and pride of their one-sided civilization, in the palmy days of their prosperity they had neglected, and allowed to remain in an uncivilized state on their borders, and when their material prosperity waned with their civilization, they had to give way to the pressure of these neglected bar-

barians, whom they had no energy left to withstand.

In the ancient world or among savages or less-civilized nations, where the practice of infanticide was and is a regular custom, and the steady occurrence of famine, pestilence and war (all natural products from a soil uncultivated by the moral senses) were and are so many checks on the dreaded overpopulation, the gross and most brutal struggle for individual existence was and is at its height,—and non-moral Istar reigned and reigns supreme, with the help of this formidable array of emissaries. The danger to a Nation's civilization lies thus not in the unlimited multiplication of individuals, but in the people's actual degradation in the scale of humanity,—*i.e.* the shortcomings in the individual Moral Senses.

If we turn now to the steady growth of civilization, the progress of private and public morality, which entails the respect and care for human life, in the elimination of all that can shorten it, and the integration of all that can tend to secure peace and industry,—and compare then the result of moral civilization with former and present barbarism, we find the inconstestable proofs, that where civilization has put a stop to wholesale extermination,—the hoary check on overpopulation,—there the struggle for existence is kept within the limits of the human strife of individual co-existence and is becoming more restricted within the limits of moral competition.

The population of civilized Europe has more than doubled during this century and yet there has been, during this century, nowhere in Europe, in any country, real want of food, still less a famine,—where the circulation of trade and the traffic of commodities were not obstructed, whether

directly through want of means of communication or indirectly as the results of bad legislation. In fact, no famine is recorded, in modern history, that cannot be traced to the stagnation of proper communication, which impeded the practicable supply of foodstuff from neighbouring countries, whether through war or bad government, from want of civilization; more conspicuous is this the case in the stagnation of international trade, caused by international jealousy.

The multiplication of human beings, limited only by the progressive moral restraint of civilization, has gone on in Europe for the last centuries, and no Nation has yet been destroyed by overpopulation. Neither has it been proved of any society, that moral restraint has failed to keep within proper bounds the struggle for existence, — which is the normal condition of the co-existence of individuals — as long as Nations are at peace and international intercourse has fair play, with fair competition of industry, through intelligence and honesty. And, if governments understand the true meaning of state-socialism, with regard to the industrial class of society who perform manual labour, there is no need for communistic driving to interfere with the stability of society.

#### IV.

#### THE GENERAL INTERNATIONAL PEACE-CONFERENCE

On the 24<sup>th</sup> of August of the Year 1898 civilized world was agreeably surprized by the International Peace Proposals of the mightiest Autocrat of Europe. His Imperial Majesty Nicolas II, Emperor of Russia, authorized his chancellor

Count Moerawjof to transmit to the Foreign Representatives at St. Petersburg the following communication

«Le maintien de la paix générale et une réduction possible  
«des armements excessifs qui pèsent sur toutes les nations  
«se présentent, dans la situation actuelle du monde entier,  
«comme l'idéal auquel devraient tendre les efforts de tous  
«les gouvernements.

«Les vues humanitaires et magnanimes de Sa Majesté  
«l'Empereur, mon auguste maître, y sont entièrement ac-  
«quies.

«Dans la conviction que ce but élevé répond aux intérêts  
«les plus essentiels et aux vœux légitimes de toutes  
«les puissances, le gouvernement impérial croit que le  
«moment présent serait très favorable à la recherche, par  
«les voies de la discussion internationale, des moyens les  
«plus efficaces, pour assurer à tous les peuples les bienfaits  
«d'une paix réelle et durable et pour mettre avant tout un  
«terme au développement progressif des armements actuels

«Au cours des vingt dernières années les aspirations à  
«un apaisement général se sont particulièrement affirmées  
«dans la conscience des nations civilisées.

«La conservation de la paix a été posée comme le but  
«de la politique internationale. C'est en son nom que les  
«grands Etats ont conclu entre eux de puissantes alliances;  
«c'est pour mieux garantir la paix, qu'ils ont développé,  
«dans des proportions inconnues jusqu'ici, leurs forces mili-  
«taires et qu'ils continuent encore à les accroître, sans  
«reculer devant aucun sacrifice. Tous ces efforts pourtant  
«n'ont pu aboutir encore aux résultats bienfaisants de la  
«pacification souhaitée.

«Les charges financières suivent une marche ascendante,

«atteignant et paralysant la prospérité publique à sa source.

«Les forces intellectuelles et physiques des peuples, le travail et le capital sont en majeure partie détournés de leur application naturelle et consumés improductivement.

«Des centaines de millions sont employés à acquérir des engins de destruction effroyable qui, considérés aujourd'hui comme le dernier mot de la science, sont destinés demain à perdre toute valeur à la suite de quelque nouvelle découverte dans ce domaine.

«La culture nationale, le progrès économique et la production des richesses sont entravés, paralysés ou faussés dans leur développement. A mesure qu'ils s'accroissent, les armements de chaque puissance répondent de moins en moins au but que le gouvernement s'était proposé.

«Les crises économiques, dues en grande partie au régime des armements à outrance et au danger continu qui gît dans cet amoncellement du matériel de guerre, transforment la paix armée de nos jours en fardeau écrasant que les peuples ont de plus en plus de la peine à porter. Il paraît évident, dès lors, que si cette situation se prolongeait, elle conduirait fatalement à ce cataclysme même qu'on tend à écarter et dont les horreurs font frémir à l'avance toute pensée humaine.

«Mettre un terme à ces armements incessants et rechercher le moyen de prévenir les calamités qui menacent le monde entier, tel est le devoir suprême qui s'impose aujourd'hui à tous les Etats.

«Pénétré de ce sentiment, Sa Majesté a daigné m'ordonner de proposer à tous les gouvernements dont les représentants sont accrédités près la Cour Impériale, la réunion d'une Conférence qui aurait à s'occuper de ce grave problème.

« Cette Conférence serait, Dieu aidant, d'un heureux présage  
 « pour le siècle qui va s'ouvrir.

« Elle rassemblerait dans un puissant faisceau les efforts  
 « de tous les Etats qui cherchent sincèrement à faire triompher  
 « la grande conception de la paix universelle sur les  
 « éléments de trouble et de discorde. Elle cimenterait  
 « en même temps leurs accords par une consécration  
 « solidaire des principes d'équité et de droit sur lesquels  
 « reposent la sécurité des Etats et le bien-être des peuples. »

This proposal of Emperor Nicolas was favourably received, and the leading Courts of Europe decided that *The Hague* should be the seat of the International Conference invited by the Emperor of Russia. Consequently, the following Circular was forwarded by the Minister of Foreign Affairs at The Hague to the Diplomatic Representatives of The Netherlands abroad, on the 6<sup>th</sup> April 1899.

« Monsieur le Ministre !

« Le Gouvernement impérial de Russie a adressé, sous la  
 « date de 12/24 Août 1898, aux représentants diplomatiques ac-  
 « crédités auprès de la Cour de St. Pétersbourg, une circulaire  
 « exprimant le désir de voir se réunir une conférence inter-  
 « nationale, qui serait chargée de rechercher les moyens les  
 « plus efficaces pour assurer aux peuples une paix durable  
 « et mettre un terme au développement progressif des arme-  
 « ments militaires.

« Cette proposition, due à la noble et généreuse initiative  
 « de l'Auguste Empereur de Russie, ayant rencontré partout  
 « un accueil des plus reconnaissants et obtenu l'assentiment  
 « général des Puissances, Son Excellence le Ministre des  
 « Affaires Etrangères de Russie a adressé, le 30 Décembre  
 « 1898/11 Janvier 1899, aux mêmes représentants diploma-

«tiques une seconde circulaire, donnant une forme plus concrète  
 «aux généreuses idées préconisées par le magnanime Em-  
 «pereur et indiquant certaines questions qui pourraient spéci-  
 «alement être soumises aux délibérations de la conférence  
 «projetée.

«Pour des motifs d'ordre politique le Gouvernement Im-  
 «périal Russe a jugé qu'il ne serait pas désirable que la  
 «réunion de cette conférence se fit dans la capitale d'une  
 «des grandes Puissances, et après s'être assuré de l'assen-  
 «timent des Gouvernements intéressés, il s'est adressé au  
 «Cabinet de La Haye, afin d'obtenir son agrément au  
 «choix de cette Résidence comme siège de la conférence  
 «en question. Je me suis empressé de prendre les ordres  
 «de Sa Majesté la Reine à l'égard de cette demande et  
 «je suis heureux de pouvoir porter à votre connaissance que  
 «Sa Majesté, mon Auguste Souveraine a daigné m'autoriser  
 «à répondre qu'il Lui serait particulièrement agréable de  
 «voir la conférence projetée se réunir à La Haye.

«En conséquence, et d'accord avec le Gouvernement  
 «impérial Russe, j'ai l'honneur de vous charger d'inviter le  
 «Gouvernement . . . à bien vouloir se faire représenter à  
 «la conférence susmentionnée, afin de discuter les questions  
 «exposées dans la seconde circulaire Russe de 30 Décembre  
 «1898 (11 Janvier 1899) ainsi que toutes autres questions  
 «se rattachant aux idées émises dans la circulaire du 12/24  
 «Août 1898, avec exclusion toutefois des délibérations de  
 «tout ce qui touche aux rapports politiques des Etats ou  
 «à l'ordre de choses établi par les traités.

«J'aime à croire, Monsieur le Ministre, que le Gouvernement  
 «auprès duquel vous êtes accrédité, voudra bien s'associer  
 «à la grande oeuvre humanitaire entreprise sous les auspices



«de Sa Majesté l'Empereur de toutes les Russies et qu'il sera  
«disposé à accepter notre invitation et à prendre les  
«mesures nécessaires pour que ses représentants soient  
«réunis à La Haye, le 18 Mai prochain, pour l'ouverture  
«de la conférence; à laquelle chaque Puissance, quel que  
«soit le nombre de ses délégués, n'aura qu' un seul vôte.

«Veuillez agréer, Monsieur le Ministre, l'assurance renou-  
«velée de ma haute considération.»

(signé) W. H. de Beaufort.

As stated in this Circular, Count Moerawjof addressed, on the 11<sup>th</sup> of January 1899 — (Russian chronology 30<sup>th</sup> December 1898) — a second Note to the Representatives of Foreign Powers accredited at St. Petersburg, giving a more concrete form to the noble ideas of the Russian Emperor, by indicating certain international questions which may especially form subject-matter for deliberation to the proposed conference. These include the following points:

1. To arrive at some agreement with regard to *armament*; especially, to stop, for some settled space of time, all increase of Armies and Navies and of the war-budgets, in any way, indirectly as well as directly. Further, to try to arrive (through admitted *Arbitration*) to some understanding, which may lead to the diminishing of armament, together with the budget of war, on land and afloat.

2. To abstain from creating new sorts of projectiles and gunpowder with more formidable and destructive effect than those at present in use among nations. Further, to limit the use of *explosive projectiles* in warfare, — in accordance with the motion of the Declaration of St. Petersburg in 1868 Especially, to arrive at the positively forbidding of the throwing of explosive matter from *balloons*, and

other abnormal positions, — equal to murder by treachery.

3. To forbid the use of *submarine torpedoes* and other submarine actions between vessels in a seabattle. Further, to abstain from ramming and from building warvessels with *ramming-apparatus*.

4. To revise, tending to the general acceptance of the rules proposed by the *International Conference, assembled at Brussels*, -- at the invitation of Russia, — in 1874, for the purpose of discussing a project of International Rules, regarding the laws and usages of War, — and attended by delegates of Austria-Hungary, Belgium, Denmark, France, Germany, Great Britain, Greece, Italy, The Netherlands, Portugal, Russia, Spain, Switzerland, Sweden and Norway and Turkey.

5. To apply the Rules of the Geneva Convention of 1864 and those for the Red-Cross societies to Naval Battles. Further, to declare neutral all Hospital-Ships and Ships, boats and rafts used to pick up men cast overboard during action.

6. To arrive at some general Rules with regard to *Arbitration*, — which may lead to the diminishing of armament. (as quoted sub 1). Further, to prevent all hostile actions pending an Arbitration-process.

In accordance with the different classes of these subjects, the assembly will probably constitute herself into three special Sections, in order to prepare for discussion in full conference, successively, the question: — 1<sup>o</sup> of Arbitration, 2<sup>o</sup> of humanizing, as much as possible, the calamities of War in battles on land and at sea, and 3<sup>o</sup> of lessening occasion for war, by diminishing the forces in Army and Navy.

The Conference will have to settle the Arbitration question in the first instance, for, when this problem is solved, the

schemes for diminishing war-budgets and humanizing, as much as practicably, the application of the instruments of warfare, could find some sure basis to stand on.

With this suggestion we will attempt to deal with the proposed task of the Conference in the following order.

## V.

### THE LAWS OF PEACE.

#### ARBITRATION.

In the two preceding Sections I have tried to prepare the principles for the treatment of this vital question of International Morality.

Arbitration is, in the present state of Civilization, the only means for ensuring to European Nations the benefit of some durable peace.

We find that civilized States, in their mutual intercourse, in times of peace as well as in times of war, invariably appeal to public opinion for the justification of their acts. This may be done sometimes in the mood in which Pilate tried to appease his conscience, but, however that may be, it is a plain acknowledgment that justice is expected to be observed in the intercourse of States, in the Society of Societies, as it is a constituent element of Society itself.

The civilized Nations of all ages recognized moral principles as binding upon themselves in their external relations. There are historical facts which indicate that the observance of these principles, in external as well as internal relations

(however imperfectly realized) were not unknown to Greece and Rome, the oldest of civilized Nations, on whose institutions modern European Laws are modelled. Cicero, in his great work on the commonwealth, maintains that God has given to all men conscience and intellect, and that, where these exist, a law exists of which all men are common subjects, and Plato repudiates the idea that any Society could flourish which did not respect the rights of other Societies.

A State must be regarded with respect to its rights and duties, and to the consequences of its relations with other bodies-politic, from two different points of view, viz., *de jure* and *de facto*. On the one hand, a State must be regarded as a moral person, as being an aggregate of self-conscious agents, if we are to comprehend the standard principles of its moral obligations. On the other hand, it is necessary, in order to avoid ambiguity in our conclusions, to bear in mind the difference which *de facto* exists in the nature of the respective rights and duties of the individual man in his social relation to his fellow creatures, and the societies of moral beings, called States, in their present mutual conditions; from which it results, that certain prerogatives and exceptional rights are attributed to States which could not be possessed by individuals.

Justice, therefore, which is the exponent of Conscience, through Common Sense, and as such a distinct element of International Law, guides the application of the dictates of the moral senses to the rights and duties of States, by following the International Spirit of Law.

As we have seen in the preceding sections, the nature, necessities and interest of States give rise to international concerns, which establish international claims or rights with

their corresponding duties and obligations; hence comes International Law. There exists, however, in the great Society of States, no legislative power, and therefore no written code of International Law, but there exist more or less generally acknowledged rules of reciprocity of conduct, in peace and war. Such rules have been sanctioned either by written agreements concluded between sovereign States, and called Treaties or Conventions, and forming the *Conventional Law*, which has direct binding force for the States under contract and serves as precedent in many cases, or they have been sanctioned by custom or usage of long standing among Nations, voluntarily admitted as the *Customary Law*. These two elements constitute what may be called the *Positive Law of Nations*. But as this Law, hedged in by the narrow limits of special and isolated conventions and tacitly admitted customs, could not supply all the wants of international intercourse, in the manifold conditions of peace and war, it is supplemented by a third element, which may be called the *Necessary Law of Nations*, and serves for all those cases for which no provision is made, either by treaty or custom. This third element, necessary to complete, through International Jurisprudence, the rules essential for the intercourse of civilized nations, necessary to cement the loose stones of the Positive Law of Nations, composed of customs and conventions and stray facts of historical precedents, into the solid international structure that constitutes the stronghold of social progress and civilization, is the *Law of Conscience*, which is the *Law of Justice*.

These three legal elements, viz., the Written Law, Customs, and Justice, form, in their combination, what is called INTERNATIONAL LAW (*jus inter gentes*).

The introduction of the Law of Conscience, as an acknowledged element of International Law, is only practicable to the extent to which the fluctuating standard of international morality, as existing at a given time between nations, by virtue of the respective moral civilization of individual States, will admit of. A State's capability of being subject to Law evidently depends upon the exercise of a sense of right and of a sense of the obligation to act in obedience to it, either on the part of the community at large or, at least, of the person or body of persons in whom the will governing the acts of the community resides. International Law, being based on International Morality, depends upon the state of progress made in civilization. Hence arises the difficulty of giving an all-comprehending definition to International Law. What *ought* to be permanently understood among civilized nations as the main principles and the basis of their mutual intercourse, we have noted already to be the condition of the moral senses which we called above the Moral Law of Nature. But we have also seen that the Spirit of Law is the practical manifestation of this general Law of the human mind in the different stages of progress on the road to civilization. Investigating this spirit of Law, we find the definition of International Law to consist in *certain rules of conduct which Reason, prompted by Conscience, deduces as consonant with Justice, with such limitations and modifications as may be established by general consent to meet the exigencies of the present state of society as existing among nations, and which modern civilized States regard as binding them in their relations with one another, with a force comparable in nature and degree to that binding the conscientious person to obey the laws of his country. All*

depends, thus, upon the capability of the «conscientious person,» who represents here the International Popular Conscience, which is the International Spirit of Law.

This definition of International Law must be kept in view, when trying to establish rules with regard to International Arbitration.

The basis of all intercourse, in the case of Nations as well as individuals, is *good faith*, i.e., the respect which civilized men owe to the given word of promise. This principle is the first in the test of civilization, as the natural result of the moral development of the human mind. All agreements from which obligations result, must fulfil the following conditions, viz., 1<sup>st</sup>, that the contracting parties possess the moral and legal capacity to treat; 2<sup>nd</sup>, that the consent be freely and voluntarily given; 3<sup>rd</sup>, that the agreement be in harmony with the Moral Law of Nature, i.e., in conformity with the Spirit of Law of the highest standard existing between the contracting parties; in other words, the agreement must be based on the standard of national morality and civilization of the party most advanced in morality and, civilization, for those who have attained to the higher moral standard cannot, under any consideration, stoop to the lower one without polluting their conscience and retreating on the road to civilization. These principles determine the mutual duties of States.

From the point of view of humanity and civilization, the normal condition of Nations appears to be a relationship of mutual good will and peace. From the necessity and the desire to secure this natural relationship, devolve various measures, including even war, when the state of equilibrium is disturbed and all peaceable means are exhausted.

«The obligation of a State to render justice to all others,»

says Halleck, «is a *perfect* obligation, of strictly binding force, at all times and under all circumstances.» No State can relieve itself from this obligation, under any pretext whatever. It is an obligation, according to Vattel, «more necessary still between Nations than between individuals ; because injustice has more terrible consequences in the quarrels of these powerful bodies-politic and it is more difficult to obtain redress.» The same rule applies to all the duties of a State which result from the *perfect* international rights of others, for whatever one Nation has a perfect right to demand of another, that the other is absolutely bound to surrender. The rule is absolute, and cannot be evaded by any technicality, sophistry, or under any other pretext. To refuse what is the absolute *duty* of a State to concede to another, under any pretext whatsoever, would be a violation of the positive rule and fundamental principle of international morality, and no civilized Nation can now be found to refuse to another an acknowledged and indisputable right. They may dispute the right itself, and deny its existence as a right, but there is none so low and debased in moral character as to deny the duty and obligation to respect what is a manifest and acknowledged international right of another. Moreover, this obligation of the State is equally binding upon all its rulers.

Whatever may be the inherent defects or imperfections of international contracts, their obligatory force rests on mutual good faith. All laws which have been formally enacted must be formally repealed, so treaties which have been formally negotiated must be formally renounced or revised, as they do not possess the elasticity and self-regulating characteristic of custom. As long as the material interests



are in harmony with the moral reasons, the conscientious fulfilment of the mutual obligations, imposed by the compact, is as natural a task as it is an easy duty to accomplish. But, as we noted above the progress of humanity, in conformity with its moral senses, is ever changing and moulding the International Spirit of Law, which manifests itself in the intercourse of Nations, and finds formulated utterance in different international transactions. As such, international treaties are the landmarks of the progress or the retrogression of Nations on the road to civilization, and when a treaty does not agree with the actuality of that state of mutual understanding between parties, which is created by and is existing through the International Spirit of Law, the treaty becomes naturally amendable. The natural defect of such a contract must lead sooner or later to its invalidity, and finally to a rupture of the inefficient contract, unless the treaty be in due time abrogated or altered. The aspects under which the successive degrees of inefficaciousness of a treaty, and its final peaceable amendment or abrogation present themselves, are conspicuous marks of the progress or retrogression of the International Spirit of Law.

Thus when we observe States entering into mutual obligations which afterwards become unduly onerous for one of the parties, so that the contracted obligation «conflicts with the rights and welfare of its people» (Heffter); when we see a Nation having «inadvertently and gratuitously abandoned an essential natural right — such, for example, as part of its independence — holds treaties, incompatible with its development, to be null» (Bluntschli); or when we hear that» all treaties are to be looked upon as null which are

opposed to the development of the free moral and material activity of a *Nations* and that, by the light of this principle, such treaties must be held unmoral, iniquitous and valueless» (Fiore) — then, in all these cases, the sole way by which it could be ascertained whether reasons given as above are vile excuses of unscrupulousness and ambition, emanating from a powerful party to impose on its weaker neighbours, or whether they are real principles, emanating from a progressing International Spirit of Law, is to put them to the test of unbiased righteousness, which underlies this Spirit of Law. This is done through the practical solution of the question whether the contract under dispute is or is not compatible with the real welfare of the complaining party, as well as with the progress of civilization in general, and thus ought to be adhered to or modified for the benefit of all parties concerned. The solution of this question is the task of impartial Arbitration, under the following notion.

When justice and benevolence, which, combined, constitute righteousness, condemn an existing contract, the obligations emanating from such a pactum, though couched in the most solemn legal forms, are doubtless immoral, iniquitous and valueless, and when, under the disguise of justice or humanity, weapons of vile ambition are used, these are easily detected by unbiased common sense, for nothing is more inconsistent with our common sense than that Law, which is formed by our moral senses, should be intended to bring licence and confusion, instead of restraint and order, into human dealings and transactions.

We have noted before how civilized States, in their mutual intercourse in time of war as well as peace, invariably appeal to public opinion for the justification of their acts,

and how it is proved by history that civilized nations of all ages have recognized the Moral Law to be binding upon them as the basis of mutual duties, however poorly the state of the Spirit of Law, which governed those mutual duties, might now appear to us by the light of a progressing civilization. This Spirit of Law, emanating from the moral senses, of which it is the manifestation in the practical life of nations as well as individuals, shows itself in different aspects (not unlike the normal varieties of species produced in the sphere of the physical laws), which are caused by manifold influences of social life at every stage on the road to civilization made by the subject whose immanent phenomenon it is. These are *normal variations* of the social organism, but differences, disputes and war between nations or states are *abnormal variations* of the Spirit of Law, caused by fundamental disturbance in the natural evolution process which governs social relations.

In International as well as in Civil Jurisprudence, the Moral Law of Nature is ever influencing the human mind to bring this in harmony with Justice and Benevolence. The standard by which the rights of parties must be regarded by an unbiased mind can therefore not be disputed; it is only the means of adjudication which constitute the difference between civil and international jurisprudence. Thus. differences or disputes between Nations or States, when not capable of being settled by amicable arrangement, compromise, arbitration or other normal measures of peace, are apt to throw society back into that state of semibarbarism in which only brute force constitutes an acknowledged verdict, that is, into the state of war.

In the first instance, the rules applied in order to arrive

at a solution of the question in a peaceable way are called the *Laws of Peace*, while, in the other instance, when parties have drifted into a state of mutual violence, this state is yet subjected, as far as possible, to certain rules of restraint acknowledged by International Law, which are called *Laws of War* (*Jus belli*).

There is, however, an intermediate condition between peace and war, a medium state, in which a crisis is formed by the alternative of adopting the one or the other course. In this state arbitrary acts are often committed, by one or both of the contending parties, in order to hasten the termination of the crisis. This brings parties into a condition of enmity, often accompanied by acts of violence, which fall short of actual war only by being more or less limited to a certain defined line of action or field of operation in conformity with the predominating social, political or moral conditions which the respective parties occupy in relation to each other. This intermediate condition between peace and war is called *retaliation* or *reprisal*.

The Laws of Peace give several remedies at hand to terminate differences among contending States. In the first place, the principles of the laws of peace require that the *facts* which have caused the difference or contest must be clearly established. In the means which parties employ to establish these facts lies not only the test of the sincerity of their appeal to the laws of peace, but these proceedings form a genuine standard by which one may judge their respective national morality.

It must be kept in mind that, although the ascertaining of the facts, which gave occasion to the difference, is logically the first stage of process in every attempt to discuss

a matter of dispute between reasonable beings, yet, unfortunately, facts cannot always be proved to such an incontestable degree of certainty as to convince the party who is in the wrong, even presuming that he really and *bonâ fide* wishes to be convinced. And how seldom does this latter be the case; how often the so-called leading newspapers of the day stoop to become maliciously misleading chroniclers of history, refusing all rectification that could remove the national prejudices to which it is their interest to pander. Thus each party tries to establish such a statement of the facts complained of as would tell in its own favour, in which process almost invariably a one-sided subjective conception of the facts in dispute, or their effects, is, with all the characteristics of an *ex parte* statement, substituted for actual occurrences. In this case an unprejudiced court alone can clearly establish the undeniable facts; this indispensable requisite is to be found in the system of a Court of Arbitration.

With regard to the moral obligation resting on both parties, to ascertain the facts with moderation, Halleck says:—» The precepts of morality, as well as the principles of public law, by which human society is governed, render it obligatory upon a State, before resorting to arms, to try every pacific mode of settling its disputes with others, whether such disputes arise from rights denied or injuries received. This moderation is the more necessary as it not infrequently happens that what is at first looked upon as an injury or an insult, is found, upon a more deliberate examination, to be a mistake rather than an act of malice, or one designed to give offence. Moreover, the injury may result from the acts of inferior persons, which may not

receive the approbation of their own Government. A little moderation and delay in such cases may bring to the offended party a just satisfaction ; whereas rash and precipitate measures often lead to the shedding of much innocent blood. The moderation of the Government of the United States, in the case of the burning of the American steam-boat *Caroline* (1837), by a British officer, led to an amicable adjustment of the difficulties arising from a violation of neutral territory, and saved both countries from the disasters of a bloody war. The moderation of the British Admiral in the affair at St. Juan Island is deserving of the highest praise.» <sup>1)</sup>

When the facts which gave rise to the dispute are clearly established, it is the moral duty and thus the sound policy in the case of every State to try to settle differences in a peaceable manner before resorting to the decision of arms.

The means for peaceable settlement are : — 1st, Amicable arrangement or compromise between the two interested parties, without the direct or open interference of any other Government. 2nd, Mediation or Arbitration which takes place through the good offices of one or more friendly Powers, to which may be added Conferences or Congresses on general political questions.

The solution of international questions through amicable arrangement or compromise may in some cases be a mere palliative postponing open rupture and war, as the main question is then often left undecided, yet the peace is preserved, though it be only for the moment, and at all events

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1) HALLECK : *International Law* Ed. Sir, Sherston Baker, Vol. I, p. 413.

it is a marked proof of the spirit of moderation and of good faith which prevails in the respective counsels of the parties interested.

The difference between an amicable arrangement and a compromise consists in this, that the former indicates the settlement of the dispute by a mutual agreement to abandon the question, while a compromise implies an understanding arrived at, on some definite object of contention, by mutual concessions in the same sense as in a case in civil law. Thus a compromise partakes also of the nature of an amicable arrangement, but an amicable arrangement is not necessarily a compromise. For the amicable arrangement of disputes between Nations, a settlement by negotiation or compromise is not always involved or necessary.

«Amicable arrangement or accommodation,» says Halleck, «is where each party candidly examines the subject of dispute, with a sincere desire to preserve peace, by doing full justice to the other. In such cases, all doubtful points of etiquette will be yielded, and all uncertain and imaginary rights will be voluntarily renounced, in order to effect an amicable adjustment of differences. If no compromise of the right in dispute can be effected, the question will be avoided by the substitution of some other arrangement which may be mutually satisfactory. Such conduct is worthy of great and magnanimous Nations; weaker States seldom act with so much moderation. An example of amicable accommodation is found in the adjustment, by the treaty of Washington, in 1842, of the differences between the United States and Great Britain, with respect to the right claimed by the latter to visit the vessels of the former in search of slavers on the coast of Africa.

«Compromise is where the two parties, without attemptin, to decide upon the justice of their conflicting pretensions agree to recede on both sides, and either to divide the thing in dispute, or to indemnify the claimant who surrenders his share to the other. For examples of compromise we may refer to the negotiations terminating in the treaty of 1842, by which the Maine boundary question was satisfactorily adjusted, and to the negotiations terminating in the treaty of 1846, by which the Oregon difficulty was formally disposed of. Accommodation is a peculiar kind of compromise, and has, therefore, been deemed by some to be improperly classed as a distinct measure.» <sup>1)</sup>

Judgment not being admissible when independent States are litigants, other modes of terminating disputes between Nations must be resorted to, whether by peaceable measures, taken *via amabili*, or by forcible measures, *via factâ*. To come to a solution of the question by the first mode of procedure, the disposition and full consent of both parties to a peaceable settlement are indispensable, while forcible measures to decide the contest *via factâ* are invariably resorted to against the declared wish of both actors, at least such as can be drawn from diplomatic notes, manifests and proclamations, which are cast about at the approach of war like dry leaves before the storm wind. And yet with all this loudly proclaimed wish to maintain the blessings of peace, we have to witness throughout the history of civilization the strange fact that amicable arrangements of international disputes are but seldom preferred to war.

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1) U. S. Statutes at Large, Vol. VIII, p. 582, etc. HALLECK, Vol. I., p. 414.



The main cause of such an abnormal state of the Spirit of Law is that the mutual consent to an arrangement, should it have any effect at all, must be sincere, and necessarily entails moral restraint and probably some material sacrifice. Besides, to rush into war with an equal antagonist is a sensation agreeable to inflated imagination when this fruitful source of evil is fostering the passionate brutish propensities of certain parties in the state, while, in the case of forcing a weaker State, against its interest, into war, it is found easier to keep timid Conscience aloof and to damp the weak voice of Sympathy, than to sacrifice some material interest on the altar of Justice and Benevolence.

At the Congress of Paris, in 1856, the following recommendation was passed by the representatives of the Powers there treating for peace. «The plenipotentiaries do not hesitate to express, in the name of their Governments, the wish that States, between which a serious disagreement should arise, would, before appealing to arms, have recourse, as far as circumstances admit, to the good offices of friendly Powers.» Why this safe recommendation has not been followed during the differences which led to the recent wars in Europe might be explained by the foregoing observations.

The different modes of adjusting international disputes *via amabili* have been variously enumerated by text-writers on International Law. Besides the mutual arrangement between parties in direct dealing, as noted above, under the heads of amicable arrangement or accommodation, and negotiation or compromise, there are the various processes of mediation, arbitration and conferences, in which the good offices of third parties are invoked.

Mediation may be solicited or offered.

When mediation is asked by parties, it takes the form of Arbitration.

When real and impartial reconciliation is intended, the mediator submits his impartial propositions, calculated to enable the contending parties to arrive at an accommodation, which he simply offers, leaving the parties entirely free with regard to their acceptance or not.

«Le devoir du médiateur,» says Vattel «en interposant ses bons offices pour engager les parties à s'entendre, est de garder une exacte impartialité; il doit adoucir les reproches, calmer les ressentiments, rapprocher les esprits. Son devoir est de favoriser le bon droit, de faire rendre à chacun ce qui lui appartient; mais il ne doit point insister scrupuleusement sur une justice rigoureuse. Il est conciliateur et non pas juge: sa vocation est de procurer la paix et il doit porter celui qui a le droit de son côté à relâcher quelque chose, s'il est nécessaire, dans la vue d'un si grand bien.» <sup>1)</sup>

Arbitration is the solemn settlement of a dispute, when two States, by common consent refer the questions in dispute to the decision of a third party, on the condition that they will abide by his decision. Generally the scope and conditions of the reference are settled by special understanding. Mediation and Arbitration are closely connected, but with this difference, that the former resembles more the above mentioned amicable arrangement between parties, and the other takes the form of Award or Judgment. In the case of mediation, parties retain their complete liberty to accept the proposed

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1) VATTEL: *Le Droit des Gens*, Liv. II., Chapter xviii., §328.

arrangement or not, while in the case of arbitration, parties having, beforehand, submitted themselves to the arbitrator, the award must be for them the rule of conduct, — barring, of course, judgments which are manifestly contrary to *equitable justice*, i.e., Justice with Benevolence combined, and thus, *per se*, repudiated by common sense. This latter might happen sometimes through the fault of one or both of the parties themselves, with regard to the proper illumination of facts brought to the cognizance of the Arbitrator. Such instances might have thrown discredit on the system itself. At all events, experience tends to the general wish for a regular Court of Arbitration with International Jurisdiction and suitable Rules of Jurisprudence.

#### THE INTERNATIONAL COURT OF ARBITRATION.

The organisation, by International agreement between civilized States, of a permanent International Court of Arbitration (*Cours d'Arbitrage*) can consist of the following stipulations.

10. Each Sovereign State entering the agreement appoints one member to the International Court of Arbitration.

20. The International Court of Arbitration is a Court of Equity. Its system of Jurisprudence being based on existing Treaties and Conventions between parties, on acknowledged International Customs, on Commentaries and Manuals of International Law by classical authors and on Conclusions of the *Institut de Droit International*.

30. States represented in the Court have the right to submit any question for arbitration, or to ask the opinion and advice of the Court on any questionable point of Inter-

national Jurisprudence they might deem proper to submit to the decision of the Court of Arbitration.

Subjects for arbitration between two or more States must be entered by all the parties concerned.

40. Cases are brought before the Court, and pleaded there, through specially appointed delegates of the States concerned.

50. The award of the Court of Arbitration is only finally binding on parties in cases where such is expressly stipulated between the litigating parties.

60. Whenever disputes between States, regarding questions that threaten to involve nations in war, be referred to the International Court of Arbitration the high contracting parties pledge themselves, through their respective delegates with the Court, that pending the deliberation on the matter before the Court, none of the parties shall have any recourse to hostile measures whatever.

70. Parties can appeal of an award of the Court, through requesting for a Revision of the case, to which, however, two third of the members in Court must consent.

80. The Court can require documents they deem necessary to form judgement in the case to be filed at the Court, and can hear witnesses and experts they think proper for the investigation of the case in litigation.

90. The Court elects its President and three Vice-Presidents, from its members, every five years.

The Court appoints a Secretary or Recorder (*Griffier*) outside its members, and fixes his salary.

The President, the Vice-Presidents and the Secretary or Recorder form together the Bureau of the Court.

The Court shall establish the Rules of Procedure within its Judicature and settle the attributes of its Bureau.

The Court appoints its required officials, fixes their salaries and give them the necessary Instructions.

10o. The language used by the Court in all its documents is French or English, in conformity with the expressed wish of parties.

11o. The deliberations of the Court take place in closed sessions, but the award is pronounced with open doors.

12o. The members and all officials of the Court pay the oath of secrecy and discretion with regard to all dealings of the Court.

13o. The States entering into agreement for the establishment of a permanent International Court of Arbitration will fix, by common consent, the place where the Court shall sit in function.

14o. The costs of establishment and all current expenses of the Court of Arbitration are borne by the contracting parties, in equal shares.

15o. The High Contracting Parties agree that, in all future Treaties and Conventions between them, there shall be inserted a special clause containing the stipulation that differences with regard to the interpretation or application of the respective treaty or convention shall be submitted to the decision of the International Court of Arbitration.

16o. This agreement with regard to the organisation of the International Court of Arbitration shall be revised every ten years.

## VI.

### THE USAGES OF WAR.

War, though being a state of litigation between Nations, in which the force of arms must act as judge, and decide,

is yet subject to rules which prevent it from degenerating into indiscriminate slaughter of human beings on either side, to end, as in the barbarian ages, with the extermination of one of the contending parties.

It is due to the Moral Senses of the human organism, which cause the development of civilization, that Justice and Benevolence, though far from being as yet predominant in the human mind, are becoming more and more conspicuous in the present stage of creation on earth. Hence the possibility of laws between Nations, in warfare as well as in peaceable mutual intercourse.

Whilst in this condition of carrying on litigation by force of arms, the parties acquire, through the Law of War, certain accidental rights called *belligerent rights*, which impose also certain obligations on third parties, called *obligations of neutrality*. These obligations of neutrality are based on the principle of strict impartiality towards parties in litigation, and impose on neutrals the obligation—when called upon in certain doubtful cases to prove their impartiality—of granting belligerents, in special cases, the right of investigation and adjudication in matters which, in a normal state of affairs, would be entirely outside their jurisdiction. Among the rights granted to belligerents, is that to visit and search neutral vessels or conveyances, which are suspected to be in unfair relation with an enemy, provided these proceedings take place in conformity with the generally acknowledged rules, which we termed above Usages of War.

We have noted the nature of the condition of war between civilized societies in its relation to the natural laws governing these societies, and we have stated our views with regard to the origin of the restraint placed by civilie

zation on the ravages of war, which constitute the Law of War (*Jus belli*). We must now proceed to note the status which is regarded as Law of War for the contending States, and for individuals as third parties.

War is a relation between States alone, and States being the only subjects of International Law, that Law takes cognizance of the individual solely through his State and as belonging to it, so that except as a member of his State, the private individual has, in the eye of International Law, neither personal nor proprietary rights. From this principle — which is acknowledged by almost all writers on the Law of War — it naturally follows that where neither personal nor proprietary rights are acknowledged, there can neither exist any personal obligations nor any liability of property.

War affects, in a direct manner, States only, not individuals, for States are the sole international units. «The community and its members,» says Mr. Hall, «except in their State form, being internationally unrecognized, any rights which belong to them must be clothed in the garb of State rights, before they can be put forward internationally.» <sup>1)</sup>

If this is the case with rights, it is a natural consequence that such must be also the case with obligations. As individual members of a State have no recognized international rights, the private individual cannot be involved in the international obligations of his State

The state of war entails no *jus in personam* against every private individual in the State, for whose liabilities any human creature belonging to the Nation indiscriminately — widows

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1) W. E. HALL: *International Law*, Edit. 1880, p. 39.

and minors and their properties not excepted — may be sued *in solidum* and compelled *ad dandum aut faciendum*.

The principle of the *jus in personam* is founded on the freewill of men, and results especially from the power which every individual has over his own acts, and nobody can ever possess such power over the acts of anybody else, so as to bind the latter to any obligations, without his free consent, for no one can acquire through another a *jus in personam* without distinct transfer. Thus the private individual can, *per se*, never be identified with the international acts for which his State as body politic, and its agents of all descriptions, are solely responsible, in conformity with the principle of International Law; consequently in war there exists a relation of a State to a State, and not of individuals *versus* individuals. The savage maxim that when war is declared between the two Nations, every individual member of the one is on the war-path against every person belonging to the other, is happily banished from the usages of warfare between civilized States, and what is still left of the individualism of those tribal wars of mutual massacre and plundering is gradually giving way before the progress of civilization.

The inevitable imperfection of our moral-mental organism entails the same condition of imperfection in social life, for States are collections of human beings and, as such, partake of their imperfections, but the National Spirit of Law, which is the outcome of the Moral Senses of the individual man, is distinct from the International Spirit of Law, which latter is the effect of the Public Consciousness of aggregates of individuals in their combined condition called States or Bodies-Politic. It would be, therefore, contrary to Justice



and Benevolence to refer actions and transactions of States which are distinct unities, governed by the International Spirit of Law, to the responsibility of private individual members of these unities, which latter follow, in their, mutual relations, the clearer, and better defined rules of the National Spirit of Law. Their respective obligations can, therefore, not be identical. In the former condition the individual has no direct or active share as such, while in the latter he exercises a direct and active influence, being then in a position to obey the injunctions of his conscience and sympathy, through the direct individual control of these senses. It is, on the other hand, impossible for the private individual to exercise any control over the actions of a body in the management of which he has no share. Hence the distinction between National Spirit of Law and International Spirit of Law, and the palpable injustice inflicted in making private individuals, who have no part whatever in the direction of the affairs of a State, and who do not possess any leading or executive functions, suffer for the result of actions beyond their control.

The hostile character of the public enemy (*hostis*), which is distinct from that of the private enemy (*inimicus*), results from political ties and not from personal feelings or personal wrongs. «Their status,» says Halleck, with reference to public enemies, «is that of legal hostility and not of personal enmity. Private enemies have hatred and rancour in their hearts and seek to do each other personal injury. Not so with public enemies; they do not, as individuals seek to do each other personal harm, and even where brought into actual conflict as armed belligerents, there is usually no personal enmity between the individuals of the contending forces. So far

from this, when peace is declared, the military forces of the opposing belligerents are usually personal friends, and vie with each other in politeness and mutual kindness.» 1)

The principles of the Law of War (*jus belli*), as described above, are established under the influence of the International Spirit of Law but the fortuitous *Usages of War* (*coutumes de la guerre, Kriegsgebraüche*) are not always in conformity with the principles of the Law of War, as laid down by human Conscience and Sympathy in their striving to bring the practices of actual warfare up to the acknowledged normal standard of civilization, i.e., to bring about conformity with the existing International Spirit of Law. But there exists nevertheless a certain correspondence between these principles and the contingent usages or practices of war, which is sufficiently perceptible to serve as a guide that will enable us to find out what may or may not be deemed justifiable practices of war.

## VII.

### ENEMY'S PRIVATE PROPERTY ON THE HIGH SEAS.

One of the most conspicuous deviations of the incidental usages of war from the principles of the Law of War is the peculiar custom, which yet exists, to seize and confiscate all private property of the enemy on the high seas — a custom which on land is called pillage, and as such banished from the practices of war among civilized nations.

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1) HALLECK: Vol. II., p. 52.

This anomaly in the usages of war of a civilized generation is due to the tenacity with which some nations persist in adhering to the ancient practices sanctioned at one time by the barbaric propensities of former generations. This anomalous practice is the more suprising as it is maintained side by side with a military code characterized by the most conspicuous marks of an advanced civilization. The cause of this partial barbarism is to be looked for in certain influences predominating in State government, which are maintained by traditional prejudices and fostered by narrowminded selfishness; and this, notwithstanding all the most able and conscientious effort made, from within and without, with a view to overcome these prejudices. <sup>1)</sup>

All barbaric practices in war are the result of the mischief

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1) The writers of the last and present centuries, who have most effectually opposed the usage of capturing private property on the high sea, are the following:—MABLY: *Le Droit Public de l'Europe, fondé sur les traités*, Vol. II., p. 310 LINGUET: *Annales Politiques*, Anno 1779, Vol. V., p. 506. Prof. F. Martens: *De la propriété privée en temps de guerre*. Drs. AEGIDI and KLAUHOLD: *Frei Schiff unter Feindes Flagge*, 1867. ERCOLE VIDARI: *Del rispetto della proprietà privata fra gli Stati in Guerra*, Pavia 1867. EUGENE CHAUCHY: *Du respect de la propriété privée dans les guerres maritimes*, Paris, 1866 BLUNTSCHLI: *Du droit du butin en général et spécialement du droit de prise maritime*, «Revue de Droit Intern.» Vol. IX, 1877, p. 539, and Vol. X., 1878, p. 60. E. DE LAVELEYE: *Du respect de la propriété privée sur mer en temps de guerre*, «Revue de Droit Intern.» Vol. VII, 1875, p. 560. PIERANTONI: *Les prises maritimes d'après l'école et la législation Italienne*; «Revue de Droit International», Vol. VII., 1875, p. 618 FIORE: *Nouv. Droit Intern.* Part II., Chapters vii. and viii. G. MASSÉ: *Le droit commercial dans ses rapports avec le Droit des gens*, Paris, 1874, Vol. II., Livre II. ERNEST NYS: *La Guerre Maritime. Etude de Droit International*, Brussels, 1881;—in chapter VIII of this valuable essay we find a very clear and instructive review of the different efforts made during the last and the present centuries to establish the rules of maritime warfare, with regard to the private property of the individuals of an enemy State, in conformity with the usages of war as waged on land. «La contradiction est flagrante» says the learned Judge of the Brussel Tribunal, «et il n'est pas besoin de démontrer que l'état actuel des choses reclame impérieusement réforme».—(l. c. p. 134).

ous assumption that war is a relation between individual members of the belligerent States, and not simply a relation between States only.

It is true that there are instances in which private citizens have taken an active share in a war waged between their respective Governments, and many may sacrifice their fortune on the altar of the common country and give freely their life-blood in its defence, thus contributing, at their own private risk, to the success of their country's cause; but can these single cases of heroism and devotion be used as arguments to upset all principles of Justice and Benevolence, or as motives to arrive at the conclusion that the war must be waged against every individual member of the enemy State? If this were so, there could be no legal reason against admitting the belligerent right to murder every single member of the enemy State, to plunder indiscriminately and to declare all that we can lay hand on, belonging to our enemy, to be legal prize, and this in order to reduce the whole enemy population, thus securing peace through the extermination, or at least utter prostration, of the enemy. A doctrine from which such conclusions could be derived is really intolerable. Its principal argument, that war will be the sooner terminated if the enemy is mercilessly attacked in his home industry, in his foreign trade and in every private interest of the individual members of the enemy, has no reasonable ground. All the wars which during this century have devastated Europe, serve more or less to prove that general hatred and animosity on the part of the mass of a people is invariably the natural result of hardship unjustly inflicted on the private individuals, and that a general desire to make peace is not

brought about bij cruel reprisals. <sup>1)</sup> Truly, Goethe was inspired by his good genius when he conceived it as characteristic of Mephistopheles to rejoice in the doctrine that commerce was ever a fruitful source of war and piracy. When tempting Faust by exhibiting before him the glorious array of plunder which his piratical crafts had collected through war waged against peaceable commerce, Mephistopheles used, with the cleverness worthy of an evil spirit, the ingenious expedient of placing the victim on the same level of morality occupied by its spoilers: «*Krieg, Handel und Piraterie, dreieinig sind sie, nicht zu trennen,*» is the doctrine of a Mephistopheles. How often do we not find this Mephistopheles policy practiced, under different forms, when plunder of the defenceless is advocated.

But whence comes this desire, as unjustifiable as it is inefficient, to plunder peaceable commerce? For both parties are unavoidable sufferers in the long run, for there exists in reality no such thing as an exclusively enemy commerce amongst civilized nations. <sup>2)</sup> Are the merchants of the belligerent State the most clamorous for war? Are they the instigators to upset the state of peace which is the element of their existence? No, certainly not. With the exception of individual speculators fond of hazards, the body of the commercial population is naturally adverse to war. But the politicians, backed by those who prefer to fish in troubled water, the aggressive military party, and those who are fattened by the plunder of com-

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1) RAYNEVAL: Liv. III, Chap. v., § 1. PORTALIS. LE PERE: *Discours au conseil des prises du 14 flor. an VIII*. MASSÉ: *Le Droit Comm.*, etc., Vol. I. p. 221. Lord PALMERSTON's speech at Liverpool on the 7th November, 1856.

2) MASSÉ: I., p. 221.

merce, through privateering, prize-money or lawyer-fees, — they are the instigators of war, for they alone have nothing to lose but all to gain, whether in glory or in the shape of other more substantial acquisitions, reaped by plunder, through the prize-court or from the public treasury.

Is it then to be wondered at, that at the present stage of development reached by the European International Spirit of Law, which has worked already such marked progress in the manner of waging war, that we still find the capturing of private property on the high seas an acknowledged usage of war? The cause of the persistency of this usage of war is to be looked for, not so much in the exigencies of war (*Kriegsraison*) as in the tenacity of national prejudice fostered by individual selfishness.

Dr. Woolsey says,—«There has long been a difference between the treatment of enemy property—including in this term the property of individual subjects of the hostile State,—on land and on the sea, or more generally between such as falls within the power of invading armies, and such on the sea and along the coast as falls within the power of armed vessels. The former is to a certain extent protected. The latter, owing to the jealous feelings of commercial rivalry, hardened into a system by Admiralty-Courts, has been extensively regarded as lawful prey.»<sup>1)</sup>

Make commerce as free in times of war as is possibly consistent with the actual means of defence and with an effective carrying on of the war, abolish completely the ignominious systems of booty and prizes, as not worthy a place

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1) WOOLSEY: Edit. 1879, p. 207.

in the procedure of modern civilization, lop the excrescences of aggression from the noble stem of National Defence, — you will then have cut off the main stays of the instigators of war; and the object of war, which is peace, will be more speedily accomplished.

## VIII.

### THE GENEVA CONVENTION APPLIED TO NAVAL WARFARE.

Maritime Law in time of War had long been the subject of deplorable disputes, until the Declaration of Paris of 1856, — (signed by the plenipotentiaries of Austria, France, Great Britain, Prussia, Russia, Sardinia and Turkey at Paris, April 16, 1856) — settled the questions concerning privateering, neutral flag, neutral goods and blockades.

These, together with the Rules binding belligerents' vessels, when claiming asylum under neutral jurisdiction, and other questions with regard to the Laws of War are all described by writers on International Law.<sup>1)</sup> Our object with this Essay is to deal now only with the International Conference of The Hague, as enumerated above. We shall close this with treating the last points to be noted here, viz: the application of the Geneva Convention of 1864 and the Rules of the Red-Cross Societies to Naval Warfare, — beginning with:

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1) In Parts IV and V of my «Manual of International Law», Vol. II, are treated the «Laws of Peace» and «The Usages of War» quoted in these pages.

## THE ORIGIN OF THE RED-CROSS SOCIETIES.

The thrilling sketches, given by Henri Dunant, of the battle of Solferina, awoke civilized mankind to a sense of its duty.

After having exposed, in a heartrending style, the horrors of a battle-field, where more than 300.000 men fought for fifteen hours on the 24<sup>th</sup> of June 1859, and the consequences of the conflict during two days after, when the fields, which had sustained the ravages of arms, were yet strewn with the wounded and the dying, without help or shelter, — which the best organized military-medical services of three of the best armies of Europe were not able to render, at the proper time, to all the sufferers, — the citizen of Geneva proposes the following question to Humanity :

«What do you think of a general association of private individuals, who will make it a voluntary but sacred duty to give succour to the wounded warriors on the battlefields, when the military-medical service falls short in this duty, to nurse the desolate sick and wounded, to assist the dying in their last moment and finally to bury the dead?» — In other terms :

«Do you not think it the duty of Humanity to soothe, as much as possible, the Calamities of War?»

The heart of good men bled, when they contemplated the ghastly figure of the Genius of War, at once sprung up before them, in all its terrible reality, — when the proposition of Dunant was brought before the tribunal of Mankind, — and the answer of all civilized nations was : «We *must* help!»

And yet, it was not the first time, that the pen of an able writer, guided by a generous and sympathizing heart,



called the attention of civilized mankind to the horrors of a battlefield. Besides many other writers, at different times, — Robert Hall, an eminent English preacher and author, wrote in 1802, the following lines, in his *«Reflections on War»* :

. . . . . «To confine our attention to the number of the slain would give us a very inadequate idea of the ravages of the sword. The lot of those who perish instantaneously, may be considered, apart from religious prospects, as comparatively happy, since they are exempt from those lingering diseases and slow torments, to which others are liable. We cannot see an individual expire, though a stranger or an enemy, without being sensibly moved, and prompted by compassion to lend him every assistance in our power. Every trace of resentment vanishes in a moment: every other emotion gives way to pity and terror. In these last extremities, we remember nothing but the respect and tenderness due to our common nature. What a scene, then, must a field of battle present, where thousands are left without assistance, and without pity, with their wounds exposed to the piercing air, while the blood, freezing as it flows, binds them to the earth, amidst the trampling of horses, and the insults of an enraged foe! If they are spared by the humanity of the enemy, and carried from the field, it is but a prolongation of torment. Conveyed in uneasy vehicles, often to a remote distance, through roads almost impassable, they are lodged in ill-prepared receptacles for the wounded and the sick, where the variety of distress baffles all the efforts of humanity and skill, and renders it impossible to give to each the attention he demands. Far from their native home, no tender assiduities of friendship, no well-known voice, no wife, or mother or sister is near

«to soothe their sorrows, relieve their thirst, or close their eyes in death. Unhappy man! and must you be swept into the grave unnoticed and unnumbered, and no friendly tear be shed for your sufferings, or mingled with your dust?»

We quoted the words of this writer, in preference, for, in this picture of woe, is pointed out, to heart and mind, the urgent need in war, of that help, which our Red-Cross Societies of the present time are called upon to supply. Could there be a more ardent request for neutral voluntary aid on the field of battle and for the inviolable protection of the wounded soldier? And yet, on this, and on even more direct appeals to the civilized world, to lessen the calamities of the battle-fields, by declaring neutral and inviolable the sick and wounded, the medical personnel and the ambulances, — as proposed in the eloquent writings of Doctor Palasciano of Naples and of Mr. Henri Arnault of Paris, — no measures were taken by the Nations for efficient help till, — through alliance of interests and conformity of views, — real practical means were suggested, to secure the efficacy of philanthropic ardour.

Dunant's plan was based on the principle, that benevolence without judgment will rarely avail, and, for the guidance of Charity in War, he proposed to establish, in time of peace, permanent Societies, which can prepare themselves, in good season, to encourage and guide the philanthropic spirit, which exhibits itself so manifestly in all civilized nations at the outburst of a war, and to make use of this benevolent tendency, by wise and practical measures, for the speedy and efficient help of wounded soldiers on the battlefields.

The Genevese Society «For Public Utility» first took up

the matter, in its session of the 9<sup>th</sup> of February 1863, and resolved to convoke an international conference, in order to deliberate upon the course to be taken, for the realization of this humane design. On the 1<sup>st</sup> of September of the same year, a circular to that effect was issued and published, but particularly brought in discussion at the International Statistical Congress, which met about the same time at Berlin.

The favourable report given of the Genevese plan, by eminent members of this congress, produced such general sympathy as was principally the cause, that at the International Conference, which met at Geneva on the 26<sup>th</sup> of October of the same year, at the invitation of the Society «For Public Utility», to discuss this international question, almost all the nationalities of Europe were represented.

In this conference resolutions were adopted on the following measures:

1°. The establishment, in every country, of Aid-Societies, with the object of being ready in time of war, to give help to the wounded and sick soldiers on the fields of battle, when the official medical help of the armies might be found insufficient, and, as such, to form a powerful auxiliary to the Military-Medical Service.

2°. The regulations by which these national Societies and their committees are to be governed, while organizing themselves in the most useful and convenient way.

3°. The co-operation of these Aid-Societies, which, each by the peculiar ways and means, prepared by its own national tendency and customs, may join together into a cordial international alliance, for the surer and speedier realization of their common benevolent purpose.

4°. The following applications to be made to the Governments of all civilized nations, viz:

a. That the Governments may grant their high protection to the Aid-Societies.

b. That, in time of war, be proclaimed neutral the ambulances and the hospitals, with the adoption of the same flag for all. That neutrality be admitted, in the most complete manner, for the official medical personnel and for all who give voluntary personal aid to the sick and wounded. Also neutrality for the wounded or sick warriors, who must be taken up and nursed independent of nationality.

c. The adoption of a badge of neutrality, to be worn as a band round the arm, by all the military medical personnel and its official, as well as its voluntary or private helpers.

d. Special protection for those inhabitants of the scenes of war, who might give proof of their benevolence by taking up and nursing sick and wounded soldiers.

The task of this International Conference, as may be judged by the results, was by no means an easy one, for there were to be brought into harmony two contradictory elements: Humanity and War. Fundamental regulations were framed, suitable for all nations and on which the Aid-Societies could be formed, and, the voluntary aid, being naturally of an independent character, had to be brought in agreement with the disciplinary regulations of the armies to secure its acceptance by the military commanders. However, the large experience of most of the members of this conference and the truly philanthropic spirit possessed by all of them, overcame the difficulties and they succeeded in framing a Charter, by which all the present Red-Cross Societies of the different nations are guided; —

and, the civilized world can boast of one Constitution at least, in which surely good men and angels rejoice.

Eminent men rose up in every country, to show their countrymen, by writings and speeches, the deficiency of the help thus far tendered to the warrior, who valiantly sheds his blood for his country's honour and defence, and to prove the benevolence of *neutral aid* in war. We shall lack sufficient space, to record here the works of all those just, good and influential citizens, in every civilized country, whose hearts and minds a merciful God has inspired, to induce their countrymen to undertake a work, so much needed, but which requires so much sacrifice and labour.

When men use the best of their knowledge and faculties, to strive in ambition and vain glory, the success of one, might cause wrong or grief to a great part of his fellow-creatures, but when Science and Benevolence join hands, in assiduous labours, to lessen the great sum of human miseries, the success is a blessing to *all*, for it is a step made towards that higher standard in morals, in philanthropy and religion, which alone can justify our hopes of a final universal peace among civilized Mankind.

### NEUTRAL AID IN WAR.

After the international conference held at Geneva (1863), which gave birth to our present Red-Cross Societies, <sup>1)</sup> the question was brought on diplomatic ground, by the Swiss

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1) «Le Jour où d'individuelle l'oeuvre est devenue collective, est celui où elle a réellement pris naissance.»  
La Guerre et la Charité par G. Moynier et Dr. Appia pag. 61.

Government, under the auspices of the Emperor Napoleon III. The result was an International Convention, concluded at Geneva on the 22<sup>d</sup> of August 1864, to which almost all the European Governments adhered, *«as being equally animated with the desire to soften as much as possible the calamities inseparable from war, to suppress all useless severity in warfare and to ameliorate the lot of wounded warriors on the fields of battle».*

The Convention of Geneva and its additional act, together with the Declaration of Paris of the 16<sup>th</sup> of April 1856 (abolishing privateering) and the Convention of St. Petersburg of the 4/16 of November 1868 (prohibiting the use of explosive musket-balls) — are glorious conquests gained by the civilization of our century over the prejudices of former ages, whose laws of war were based on the principles: *that the utmost possible injury ought to be inflicted on the enemy and, that all means were allowed for this end; that the life of the defeated was at the mercy of the victor and that the victory of arms gave an unlimited right to the property of the vanquished.* It is true, history records, at different periods, some solitary instances of conventions, made between the chiefs of belligerent armies, for the neutralization of the hospitals, the medical service and of the sick and wounded, received in the hospitals, <sup>1)</sup> but these

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1) At the time of the Crusades, Sultan Saladin allowed his enemies, the Hospital-Knights of St. John, to remain tending and nursing their comrades in the City of Jerusalem, which he had conquered.

In 1743, during the Austrian Succession-war, an agreement was signed at Aschaffenburg, between the Austro-Hanovrian (Pragmatic) army under George II, represented by Gen. Count de Stair and the French Army under Marshal de Noailles: the belligerents agreed, to regard the hospitals neutral and to give protection to the wounded.

A similar convention was made in 1759, during the seven-years' war and

contracts were mere temporar agreements, depending on the momentary disposition of the belligerent powers of the Chiefs in command, and which, at all events, ended with the campaign, for which they were made. Such is not the case with a Convention, claimed by Justice and Humanity, and concluded in time of peace, between independent powers, moved by charitable and generous sentiments, which give to the contract the character of a general and voluntary international alliance, with the tendency to bring into actual performance, the theory of Montesquieu, that the Law of Nations is based on the principle: *that the Nations, in their intercourse, be, in peace, of the greatest mutual advantage, and, in war, do the least possible injury to one another* »

The International Convention of Geneva, of the 22<sup>d</sup> of August 1864, with its Addional Act of the 20<sup>th</sup> of October 1868, procured for Humanity, the following conditions for neutral aid in war.

1°. The Ambulances and Military Hospitals are acknowledged as neutral, and, as such, protected and respected by the belligerents, as long as they contain any sick or wounded soldiers. The neutrality ceases, if these ambulances or hospitals are guarded by a military force (*Conv. Art. I*).

Under the denomination «*Ambulance*» are comprehended all sorts of field-hospitals and other temporary establishments,

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signed by the English General Sir Henry Seymour Conway, and the French Chief, Marquis du Barrail.

A Convention, between Louis XV and Frederik the Great, stipulating the neutrality of the Hospitals of the wounded and of all the persons belonging to the hospital-service, was signed at Brandenburg, 7th of September 1759, by the French Marshal de Rougé and the Prussian General von Buddenbrock.

which follow the armies on the battlefields, to receive the sick and wounded (3<sup>d</sup> add. art.).

2°. The *personnel* of the hospitals and ambulances, comprehending the staff required for superintendence, medical service, for the administration, and for the transporting of the wounded, and also the chaplains, shall participate in the benefit of neutrality, while executing their duty and so long as there are wounded men to be taken care of (*Conv. Art. II*).

3° The persons designated in the foregoing article shall continue to give their care to the sick and wounded of the ambulance or hospital where they are officiating, in proportion to the need of help, even after the occupation of the enemy.

When such persons ask for permission to retire, the Commander of the occupying forces shall fix the moment of their departure, which he may postpone, only in case of military exigency, and then only for a short time. (*Conv. Art. III, 1<sup>st</sup> add. art.*)

The necessary dispositions shall be taken by the belligerent powers, to secure to the neutral personnel falling into the hands of the enemy, the full enjoyment of their salary. (*2<sup>d</sup> add Art*)

4°. The *materiel* of the military hospitals, remaining submitted to the Law of War, the persons attached to these hospitals, on leaving, can only carry with them the articles, which are their personal property. The ambulances, however, shall retain their materiel. (*Conv. Art. IV*)

In this case also are comprehended, by the denomination



*ambulance*, all field-hospitals and other temporary establishments for the sick and wounded, which follow the armies on the battlefields. (3<sup>d</sup> add. art.)

5<sup>o</sup>. The inhabitants of the country, who afford aid to the wounded, shall remain free and be respected. The generals of the belligerent powers shall be instructed to notify to the inhabitants, the appeal made to their humanity and the neutrality which they can derive from it. Every wounded man, received and nursed in a house, shall be a safeguard to that dwelling. (*Conv. Art. V.*)

In apportioning the charges, relative to the quartering of troops and the war-contributions, the charitable zeal exhibited by those inhabitants, who have taken in wounded soldiers, shall be taken fairly into account. (4<sup>th</sup> add. art.)

6<sup>o</sup>. Every wounded or sick soldier shall be received and nursed, without regard to nationality. The wounded, who after recovery may be found incapable of bearing arms, be sent to their own country.

The means employed in the removal of the wounded and the persons attached thereto, shall always be covered by absolute neutrality. (*Conv. Art. VI.*)

With the exception of the officers, whose detention could influence the course of the war, the commanders in chief have the faculty, — with the consent of both parties, and when circumstances allow it, — to send back to their country, the wounded prisoners of war, after their recovery or, if possible, to give them over sooner, at the outposts: even those who are not found incapable of bearing arms; but

these always on the condition of not serving during the war.  
(5<sup>th</sup> add art.)

7°. A uniform *distinctive flag* shall be adopted for the hospitals, the ambulances and the means of removal of the sick and wounded. This flag shall always be accompanied by the national colours.

A band round the arm (*brassard*) shall also be worn by the neutral personnel. The use of which, however, must be authorized by the military authorities.

The flag and the band on the arm exhibit *a redcross on a white field*. (*Conv. Art. VII.*)

8°. The details for the execution of this convention, shall be regulated by the Commanders in Chief of the belligerent armies, according to the instructions given by their respective governments and in conformity with the general principles, laid down in this Convention. (*Conv. Art. VIII.*)

(*Articles concerning the Navy.*)

9°. The vessels which, at their own risk and peril, are occupied, during or after the action, in picking up the wounded, or having taken in wounded, are carrying them on board a neutral or hospital-ship, shall enjoy, during the accomplishment of their task, all the state of neutrality, which the circumstances of the battle and the position of the fighting vessels will permit to be granted to them. The appreciation of the said circumstances is intrusted to the humanity of the fighting parties

The shipwrecked and the wounded, rescued or received by the said neutral vessels, cannot serve again during the war. (6<sup>th</sup> add. art.)

10. The personnel of the religious, medical, and hospital-service of all captured vessels are declared neutral. When leaving the vessel, they carry with them, the articles and surgical instruments, which are their personal property. (7<sup>th</sup> add. art.)

11. The persons, designated in the last quoted article must continue to fulfil their functions on the captured vessel, till the removal of the wounded, — to be ordered by the conqueror, — and to assist at this removal; when they are at liberty to return to their own country. When they ask to withdraw, the Commander-in-Chief shall fix the time of their departure, which can only be postponed, — and then with the shortest delay, — in cases of military exigences.

The belligerent powers shall make the necessary dispositions to secure to the neutral personnel, which falls into the hands of the enemy, the full enjoyment of its pay. 1<sup>st</sup>, 2<sup>d</sup> & 8<sup>th</sup> add. art.)

12. The Military Hospital-Ships remain subject to the Law of War, with regard to their *materiel*. They become the property of the captor, who, however, shall not use them, during the war, for any other purpose, than for what they were destined at the capture. (9<sup>th</sup> add. art.)

Nevertheless the vessels unfit for fighting purposes (*impropres au combat*), which during the time of peace, have been officially declared, by the respective governments, to be destined to serve as floating naval-hospitals, shall enjoy, during time of war, a complete neutrality, for their materiel, as well as for their personnel, provided, that their equipment be adapted to their special destination. (add. paragr. of the 9<sup>th</sup> add. art.)

13°. Every mercantile vessel, to whatever nation they may belong, exclusively loaded with wounded or sick warriors, of whom she is effecting the removal, shall be covered by neutrality; but having been searched by a cruiser of the enemy, this single fact, notified on the log-book of the neutral vessel, shall render the sick and wounded on board incompetent to serve during the war. The cruiser shall have the right to place a commissioner on board the removing-vessel, to accompany the convoy in order to verify the good faith of the operation.

If the said vessel have any cargo on board, the neutrality shall cover this also, provided, the cargo be not of the nature to be confiscated by belligerents.

The belligerents reserve to themselves, the right to interdict, to any neutral vessel, every communication or direction, which they may judge to be injurious to the secret of their operations. In urgent cases, particular conventions can be made between the Commanders-in-Chief, for an immediate and temporary neutralization, in a specified manner, of the vessels destined for the removal of the sick and wounded. (10<sup>th</sup> add. art.)

14°. All the wounded or sick sailors and soldiers on board, shall be protected and cared for, by the captors, to whatever nation these wounded or sick may belong.

The wounded, who, after recovery, may be found incapable of service, shall be sent to their own country.

With the exception of the officers, whose detention may influence the course of the war, the Commanders-in-Chief have the authority, — with the consent of both parties, and when circumstances will allow it, — to send the wounded

prisoners to their own country, after their recovery, or, if possible, sooner; even those who are not found incapable of serving, on the condition, however, that they shall not serve again during the war. (11<sup>th</sup> add. art.)

15. The distinctive flag, to be hoisted, together with the national colours, to indicate a ship, boat, or any sort of vessel, which claims the privilege of neutrality, by virtue of the principles of this Convention, shall be: *white flag with the red cross*.

The belligerents have the right to exercise, with regard to this claim, every verification they may deem necessary.

The Military Hospital-Ships shall be distinguished by the outside painting being: *white with green battery*. (12<sup>th</sup> add. art.)

16. The Hospital-Ships, (*navires hospitaliers*), fitted out at the expense of the Aid-Societies, (*Sociétés de secours*) recognised by the Governments, which have signed the Convention, provided with a commission, emanating from the Sovereign, who gave manifest authorization for their equipment, and with a document of the competent naval-authority, certifying, that the said vessels have been submitted to his control, during the term of their equipment and at their final departure, and that they were then exclusively appropriated to the object of their mission, shall be considered as neutral, and their crew also. They shall be respected and protected by the belligerents. They shall make themselves recognised by hoisting, together with their national colours, the *white flag with the red cross*. The distinctive badge for their personnel, in the exercise of its functions, shall be a band on the arm, with the same colours. Their outside painting shall be: *white with red battery*.

These vessels shall give succour and assistance to the wounded and the shipwrecked of the belligerents, without distinction of nationality. They shall not obstruct, in any way, the movements of the combatants. During and after the battle, they shall act at their own risk and peril.

The belligerents shall have the right of search and control over these vessels. They can refuse their cooperation, enjoin them to withdraw or detain them, if important circumstances demand.

The wounded and shipwrecked, taken on board these vessels, cannot be reclaimed by any of the belligerents, and they shall be charged not to serve again during the war. (13<sup>th</sup> add. art.)

17°. In naval wars, every strong presumption, that one of the belligerents is profiting, by the benefit of neutrality in any other interest, than that of the wounded and sick, gives the other belligerent the right, to suspend the Convention at his option, untill the contrary is proved. If the presumption is found to be a fact, the Convention may even be suspended at his option, for the whole duration of the war. (14<sup>th</sup> add. art.)

These are the concessions, which the exigences of warfare have up to this time, allowed the Military Powers to make for the sake of Humanity. If a perfect measure of success remains yet to be achieved, let us persevere, and if even these few concessions are sometimes violated, by the fury of battle, the insolence of victory and all the tumult of war, yet, let us not despair, for, what great work in the History of Mankind has ever been accomplished, without patience and unflinching perseverance in adversity? And, let us look

up for encouragement, to the Ruler of the Universe, who has allowed all that is already achieved, that is gratifying to the Philanthropist and the Christian, in this nineteenth century, which, as in other kinds of progress, so in this highest kind, far excels all former ages.

#### THE RED-CROSS SOCIETIES AT SEA.

At the last naval-battle, between the Austrian and Italian Fleets (1866), the want of neutral aid, which, — by virtue of the Genevese Convention, — was enjoyed by the warriors of the same nation, on land, was bitterly felt by the Navy, and, if we wish to know, what unnecessary loss of human lives, this want of the Red-Cross aid at sea has caused, let us take a glance at a scene in this battle, yet fresh in our memory.

In the Adriatic-Sea, near the island of Lissa, the Austrian Fleet under Admiral Tegethoff and the Italian, under command of Admiral Persano, — both able commanders, — are fighting together. All the late improvements in warvessels, of the last invention, were, on both sides, nearly equally divided; the battle is a test of modern warfare at sea. The weather is stormy, with a heavy sea, caused by the northern gales; the atmosphere thick with the smoke of the thundering iron-clads, in furious *mêlée*.

All at once, the *Ferdinand-Max*, (the Austrian admiralship) and the *Ré d' Italia*, — both iron-clad vessels, — met each other. The captain of the *Ferd.-Max*, distinguishing the gray colour of the enemy's vessel, amidst the smoke, and finding it in a favourable position to be rammed, orders the bold manoeuvre, and, with courageous self-reliance, runs right on the enemy's broadside. The *R-d'I*. tried to escape. by steaming

backwards, but too late she saw the danger, in consequence of the thick clouds of smoke around her. The *F.-M.* put on full speed, and, with the momentum of its whole weight and a speed of eleven miles, ran its steel spur right into the flank of its enemy. The collision of the huge masses caused a most terrible crash to be heard. The shock was so violent, that the *R.-d'I.* fell entirely on beams-end, while the *Ferd-Max* was raised over her, by the sea, smashing the iron plates, ribs and beams of the unfortunate vessel. The *F.-M.* quickly backing, immediately after the collision — (which is strictly necessary for the ramming vessel, to prevent its being locked, and drawn down with its foe) — drew back, and the *R.-d'I.* totally broken up, with a breach of 62 square feet — as was ascertained later, by the mark left on the painted spur of the *F.-M.*, where the hard friction had nearly polished the iron — turned over again; the water streaming through the breach; the crew struggling through the hatches and portholes and clinging to the masts and rigging. And, while the *F.-M.* was slowly drawing backwards, the *R.-d'I.* was fast sinking; — and speedily and surely, the work of destruction was accomplished.

The Austrian officers contemplated with horror their work, while the *R.-d'I.* was sinking in the deep, amidst the agonized cry for help of its crew. The firing had ceased and all eyes were fixed on the water, which was engulfing the once proud and powerful seacastle and its inmates. For a moment all was silent; at this time the ship had sunk entirely; the water closing over her, while thousands of whirlpools carried down, for an instant, all, the living and the dead. Then, all of a sudden, while every eye was strained towards the place, where the *R.-Id.* had disappeared,



the surface of the sea was covered with human beings, given up again from the deep, on the point of being drowned, and struggling for life with the stormy element. Now no time was to be lost in saving what could yet be saved. Admiral Tegethoff ordered his vessel to be stopped and the boats to be put out, and the *Elisabeth*, an Austrian paddlewheel-tender, hastened to the spot, to give assistance. — But, — what horror! — Furious for revenge, the Italians had renewed the combat, and two large Italian frigates came up, on both sides, to attack the *Ferdinand-Max*; — Humanity had to give place to self-preservation and the *F.-M.* being itself somewhat damaged by the action of ramming, had just time enough to manoeuvre itself free, in order not to undergo the same fate as the *R-d'I*. In the mean time, the *Elisabeth*, which came up to save the lives, which were yet to be saved, was fired upon, by the Italian frigates, who, — not comprehending her object, — attacked her and compelled the tender to withdraw.

At the end of the battle the *Palestro* blew up, and had the battle been carried on longer, several Italian and Austrian vessels might have shared the fate of the *Rè d'Italia* and the *Palestro*.

In imparcial statistics it was stated, that more than 400 men were drowned uselessly in this battle, while they might have been easily saved.

Of what efficient help a neutral vessel would have been here!

On land, the main object of battles in the open field is the dispersing of the battalions of the enemy, and consequently, more lives must be exposed and sacrificed; for there the loss of human lives must determine the conflict. But not so in a seabattle, here the object being to destroy the war-

vessels, the lives can always be spared, as much as possible, without prejudice to any war-object or tactics. Thus the firing on boats and unarmed vessels, which are trying to rescue the drowning men, is as unnecessary in warfare at sea, as it is a horror to humanity. A vessel distinguished by the *neutral flag*, will henceforth, — thanks to the humane principles, put forward in the additional articles of the Genevese Convention, — incur no danger of being deliberately fired upon, while trying to rescue the unfortunate drowning victims of war, without regard to their nationality. She is now intrusted to the honour of the naval Commanders; her safeguard is the humanity of civilized nations. — God grant, that no Captain may ever dishonour his flag, by showing himself unworthy of this sacred trust!

We have seen, by the history of this naval-action, what can be henceforth expected from modern warfare at sea, and, — if the tactic of running down a hostile vessel in open sea, already suggests, to the private individual, the idea of wholesale assassination, — like smoking the enemy in a cave or discharging poisonous compounds, the more painful is it to humanity, to conceive, that, as yet, no practical measures have been taken, to counterbalance the disasters of this dreadful military practice at sea, which war imposes, but which philanthropy must try to mitigate.

But this is only one part of the double danger, to which a warrior at sea is exposed, that of being drowned, and we have seen what, in the first place, is requisite for this part of our object: help outside vessel. Let us now take a glance inside a warvessel, during the fight, and we shall observe, what is wanting for the other part of our duty: the nursing of the sick and wounded.

Dr. Moriz-Bernstein, chef-arzt on board the line-of-battle ship «*Kaiser*», gives a description of the action off Lissa, in a naval-medical point of view. He complains of the inconvenience of the localities, reserved for the medical-service on board the vessels of war, as being too small and not always free from danger. This inconvenience was greatly felt by Dr. Bernstein, even on board one of the largest vessels of the fleet. The battle lasted two hours, in that time, the place for the wounded was overfilled and the patients were, for want of space, placed so closely together, that it was impossible to get in between, to give them proper help and refreshment.

When the *Kaiser* ran against the *Re di Portogallo*, -- losing its fore-mast and bowsprit, -- the shock was so violent, that it threw down the doctor together with the patient, on whom he was performing an operation. At that moment more wounded were brought in from the batteries, who reported that the ship had caught fire. All was in confusion in this dreadful space, which was to serve as an hospital. Men, who, a moment before, were full of health and strength, in the prime of life, were now lying prostrated, with torn limbs, one upon the other, and surrounded by the bruised and mashed flesh, dripping with blood; wringing their hands and groaning in agony, imploring in the most pitiful way, for help. -- Such a scene, says Dr. Bernstein, cannot be described and the liveliest imagination has only an imperfect conception of the horrors of such a hospital on board a fighting ship.

After stating the different cases of the wounded, caused by the explosions of bombs, which were of the most dangerous kinds, and amounted, on board the *Kaiser*, to the number

of eighty-three, — Dr. Bernstein gives his opinion concerning the Hospitall-Ship, to be fitted out exclusively for that purpose, in the following terms :

«The *Hospital-Ship*, in reality, to be regarded, as an integral part of the Fleet of War, ought never to be wanting and must follow the fleet, as the ambulance or the field-hospital the army. It cannot be depended upon that battles at sea will always take place in sight of land, like the battles off Helgoland and Lissa ; that only the large vessels will have wounded, and that, as was the case with the last battle, there will be found hospitals ashore, ready to receive the wounded. On the contrary, in war, and particularly at sea, all sorts of unexpected eventualities may arise. Suppose, that the ship *Kaiser*, with its crew of 1000 men, had 300, instead 83 wounded ; that on board of all the vessels, which took part in the battle, the wounded were augmented in the same proportion, in which case, there would be 600 to 800 wounded men. And, if these could not have been put ashore at Lissa, where nothing might have been prepared to receive them ; — what to do then ? Or, if wind and weather prevented the fleet, — which was damaged, — from reaching the nearest neutral harbour or friendly port, and the enemy being yet in sight, it can be expected that the battle will be recommenced the next day ; — what then ? What is to be done, in such cases, with these unfortunate wounded men, who are begging for a resting place and to whom no peace or comfort, so justly due to them, can be afforded ! » By this it will be sufficiently proved, that Hospital-vessels are highly necessary to a fleet or squadron, and that, as long as they are wanting, the naval-medical service will be incomplete.

From the two preceding sketches, we are able to conceive,

of what utility the Aid-Societies, with their neutral Hospital-Ships and Rafts would be in a seabattle, and, while bemoaning the loss of life and the misery which the absence of neutral aid has caused, we feel so much the more strongly that it is the duty of all civilized Nations to try to overcome all difficulties in procuring the benefit of the Red-Cross to the neglected warrior at Sea.

It is a characteristic feature of our time, that, while art and science are uniting their utmost skill to invent new instruments of warfare, and the art of killing is attaining a dreadful perfection, Philanthropy is endeavouring, with equal zeal, to alleviate the calamities of war. While peace-apostles are drawing up their theoretical maxims for securing the universal and permanent suspension of bloody conflicts between civilized nations, Humanity is trying to contrive practical means to heal, as much as possible, the disastrous effects of war, which, while they cannot be prevented, can at least, be made less painful to bear.

Societies for the aid of wounded soldiers on the battlefield have existed throughout all ages. From the Order of the Knights of St. John of Jerusalem, — still subsistent in the two great branches of Christianity, the Roman-Catholic Order of St. John, in Spain, and the Protestant Evangelic, in Prussia, — down to the Sisters of St. Vincent de Paul, the Diaconesses of Kaiserswoerth and of Bethanien, at Berlin, the Brethren of the Rauhe-Haus at Hamburg, the Grand-Duchess Helena-Paulowna, with her Sisters of the Cross, and Miss Florence Nightingale with her helpers, at Sebastopol, — different religious societies, of all branches of the Christian Church, have been working on this field of Charity. But, each carried out its own benevolent work

in its own way, with its own organization and rules, without that general and voluntary union of strength and design, which gives new youth and vigour to the continuous exertions of Charity.

The Red-Cross Alliance of our days has a wider range. Her badge is the emblem of Peace in the midst of the war-cries, and reminds the nations, that, though fighting, we are all brethren and that human Charity is above human passions and prejudices. Although it is apparent, that it will not be the merit of our century to have extinguished warfare between civilized nations, yet, it is to our generation, that the honour and the glory belong of those general and practical efforts for ameliorating what cannot be totally avoided.

The treaty of Paris (1856) commenced the work of securing neutrality to private property at sea. The Genevese Convention with its additional articles, accomplished a work of practical philanthropy, by claiming the right of Humanity to heal the wounds of the human instruments of war, on the fields of conflict, without regard to nation or creed. On this great work, the noble Prussian Central-Committee of the Red-Cross put, in 1869, the crown, by her efforts to bring into a practical shape, the principles adopted for securing aid to the wounded warrior; not only on land but also on the ocean, where a double charge is upon our shoulders: the healing of the wounds, inflicted by human hands, and the rescuing from the perils of an element, whose strength it is above our power to control.

If voluntary aid, by private individuals or societies, to soldiers on the battlefield be a fact often recorded by History, it is not so with the extension of these philanthropic efforts to succour the warrior at sea. This new branch of

Charity, this help to the sailors on their own battle-ground, by private corporations, is unprecedented in history : a new task, without a guide.

On the question, as to what has heretofore been done, and with what success, by private individuals or societies, to save the shipwrecked and to nurse the sick and wounded on fleets, engaging in time of war, the history of the seabattles of ancient and modern times gives no information, and that of the late wars no sufficient answer, to form an experienced guide for our present object. In this case, our present Aid-Societies, bereft as we are, of the necessary enlightenment by historical experience, will have, — for the aid of the sailor in battles at sea, — to trace their own path of duty, on this new field of glorious labour.

#### TASK OF THE RED-CROSS AT SEA.

Let us then face the difficulties, and, guided by technical knowledge, try to solve the question : to what extent **and** under what conditions the Aid-Societies can undertake their double task on the Fleet, the rescuing of the shipwrecked and the nursing of the sick and wounded, — and we find that, for this double task the following conditions are indispensable, to enable the Aid-Societies to carry out their benevolent work to an extent, by which they can secure to the sailor the practical benefit of their labours.

These are :

- 1o. Suitable *Hospital-Ships* (*Vereins-Lazarethschiffe, Bâtiments de secours*) for active service with the Fleets, and exclusively fitted out as such, unarmed, but protected by the privilege of neutrality.

- 2°. *Hospital-Rafts* (as described hereafter), which enjoy the same amount of neutrality, and are used to pick up, even between the engaging vessels, the shipwrecked and those who are cast overboard by explosion or fire, in order to carry them on board the Hospital-ship for medical aid.
- 3°. A special corps of *Naval nurses and helpers*, accustomed to life on board ship at sea; which can be raised by the local-committees of our present Aid-Societies at the seaports, where is established the basis of operation of the fleet or squadron, on which their service is required.
- 4°. *International regulation* of the state of neutrality of the Hospital-ships and Rafts, their crews and all who are picked up by the Rafts, during action; of the sort and class of Hospital-ships and Rafts, to be used and their position to be kept in the fleet, in motion and during action.
- 5°. *Naval-Hospitals at the Seaports*, under direction of the respective local-committees, where the Hospital-ships can disembark the sick and wounded after a battle at sea.

#### THE HOSPITAL-SHIP.

With regard to Hospital-ships, we must, in the first place, call attention to a deficiency, which exists in the organization of the Medical-Services on the fleets and squadrons of most



nations. This organization is very expensive and yet it seldom answers the purpose, from want of a sufficient number of surgeons to supply the fleet, and of the necessary room on board a fighting vessel to take up the sick and wounded. In a fleet or squadron, each vessel, large or small, has its own medical staff of surgeons and helps, apothecary's shops and full supply of medicaments and hospital-furniture ; while, for the sick and wounded on board each vessel, a space is taken from the quarters of the crew, which reduces the comfort of the healthy, without affording sufficient convenience and security for the patients and the surgeons and helpers in attendance, during a battle. In fact, the best medical help, on board an active war-vessel might fail in time of action, from want of space and proper security to exercise its functions. Experienced naval-medical officers have proved, that the Medical service and Nursing would be far more efficient, if we had attached to each squadron, one or more Hospital-ships, exclusively fitted out for medical service, and quite able to keep with the fleet ; where the medical department is established and the principal medical help concentrated. One surgeon, with one or two assistants, on each vessel, would then be sufficient for cases of accidents, and the first dressing of the wounded in a battle ; whilst the removable sick and wounded could be transported to the Hospital-ship, where the Chief-surgeon and his assistants are stationed, and full aid and comfort could be afforded to the patient. The wooden Frigates, which, in the present state of warfare, are useless for fighting-services, will afford the principal means to carry out this purpose. As to the internal service and medical administration on board a Hospital-ship, little may be said. Every naval-medical officer of any experience, will be fully aware of the necessities,

required for the wounded and sick on board a vessel at sea. Proper ventilation, beds, linen, good drink-water and nourishment and everything belonging to hygienic regulations and medical help, as well as judicious and prudent regulations and instructions, for the medical service on board a good Hospitalship, these all ought to be settled questions at the Naval-Medical Department of every civilized nation.

A *Hospital-ship*, — whether fitted out by the Government or by the Aid-Societies, — must be a frigate, having a spacious and high gundeck (upper-between-decks), propelled by sail and steam and quite sea-worthy. In the internal arrangement it must be observed, that the upper-between-decks, the gundeck (*battery deck*), shall be reserved for the sick and wounded, while the lowerdeck (*Zwischen-deck*) is destined for the surgeons, helpers, nurses, apothecary and stores, for ship and rafts; materiel for rescuing, clothing, provisions and bedding for ship-wrecked persons, and materiel required for nursing the sick and wounded (this materiel in proportion to the size of the Hospital-ship and the number of sick and wounded, which she is able to take up.) A proper ice-cellar must not be forgotten, for which a fit place will be found in the waterhold (*Wasser-raum*) on the ballast. The captain, ship's officers and crew for ship and rafts, must have their apartments in cabin-houses and berths on the upper-deck. There also, the cookingrooms (*Schiffsherd*) bakery, slaughterhouse, washingrooms, etc., the capstan (*Spill*) and the running part of anchorchains, with the bitts, (*Bâtinge*) have their places.

The Sick-deck (*Kranken-deck*) must be a clear deck, fore and aft, without any divisions or partitions, except for the

closets (*der Abtritt*), with outside discharges and ventilators. The operating-table, when in use, is temporarily put up, at any convenient place on the sick-deck, fastened to the deck and screened off by a sail. The sick-deck, — white-washed all over with lime, — is ventilated by port-holes in the sides, fore and aft, and air-tubes (*Luft-köcher*) and windsails (*Kühlsegeln*), through the upperdeck, the chimney or the hollow iron masts. The hatchways (*Lücken*) above the engine, and the steps, leading from the upper-deck to the engine room, must be shut off from the sick-deck, so that the heat of fire and engine cannot be spread over the sick-deck, but is carried straight up, through the hatches, to the upper-deck. No unnecessary communication over the sick-deck must be allowed; all passages through the hatches to the lower decks and the ship's store-rooms and coal-bunkers (*Kohlenkasten*) must be incased, as above mentioned.

At each side of the vessel, two or more of the port-holes must have suitable demensions, to take in the sick-transport-cots, which are hoisted, from the rafts alongside, up to the port-hole, by means of a tackle (*Talie*), hanging from a davit (*Taube-jutte*) above the port-hole, and whose running-bight, (*laufende Part*) is on the upper-deck, where the hoisting work is to be done. The transport-cot is carried by slings (*Lengen*), attached to the cot, and pendants (*Schinkel*), hooked to the tackle: so that the cot, hanging in one tackle, is hoisted up horizontally and can be turned athwart-ship (*quer-schiffs*), to be taken through the port-holes on the sick-deck.

The *Sleeping-Cots* (*flache Hangmatten*), — made of canvas, with square bottoms of wooden frame with springs, — six

feet long by two and a half broad (inside dimension), must be hung from brass swinging-hooks, lengthwise in rows, with 3—3½ feet distance at the sides, by one at the head and feet. Above each cot hangs, at the foot-end, a swinging-table, to carry the medicine bottles, food and other necessities, at hand for the patient in the cot.

As a model cot, for the sick and wounded at sea, we can recommend the cot with suspension-apparatus, of the invention of Dr. van Stockum (Netherlands R. N.) in use at the Naval-Hospital at Willemsoord, Holland. The ingenious apparatus of these cots allow the beds and linen to be changed from under the patient, without removing or, in the least, disturbing him; which is of much comfort and safety for a man dangerously wounded at sea.

The Sick-transport-cot is a cot of the same dimensions as the cots of the sick-deck, and quite fitted to be hung in the sick-rows, in case the state of the patient does not allow his being removed to the common sleeping-cot, when taken on the sick-deck. At the head-and foot-end of the transport cot, is a fixed sling, with thimble (*Kausse*) where the pendants of the hoisting-tackle are hooked in, to take the cot to the sick-deck as above described.

The Hospital-ships fitted out by the Red-Cross-Societies, to follow the fleet, must be placed at the disposal of the Admiral-in-Command. They must be subject to the rules and regulations of the Naval-Medical Service. Their destination is to give succour during and after the battle. As soon as the signal of distress is hoisted from any vessel, they proceed with their Rafts to the assistance of the crew, without regard to Nationality. Directly after the battle they indicate, by a signal, that they are able and ready to

receive the sick and wounded.<sup>1)</sup> The Captain and First ship's officer are to be commissioned and placed by the Government at the disposal of the Central-Committee of the Red-Cross Society; by which means the vessel's commission, required by the 13<sup>th</sup> addit. article of the Convention is secured. The surgeons, the nurses and helpers and the personnel of the sick-deck service must be procured by the Aid-Society, — through the Local-Committee of the seaport, where the hospital-ship is to be fitted out, — and placed under the direction of the Chief-Surgeon of the Fleet or Squadron. The rest of the ship's Officers, the engineers and the crew for ships and rafts, are hired by the Captain, under direction of the said Local-Committee. The medical service and the administration belonging thereto, on board the Hospital-ships of the Red-Cross Societies are to be regulated on the same footing as the Government Hospital-ships, with which the Society's ships must be identical, to procure that analogy and unity in the Medical Service, by which only, effectual help can be obtained.

In the present state of the war-navies, with ironclad and submerged war-vessels, the Hospital-ship, as above described, will become, even in time of peace, indispensable for the Naval-Medical Service. A bad kind of fever has been stated to prevail on board the Iron-clads. Dr. Holden (of the U. S. Navy) gives in his work *«On the causes of certain diseases in ships of war.»* (*Archives de Médecine-navale*, (1869) — his experience of the sort of fever called the *«Ironclad fever,»* which has been observed to be peculiar to these sorts of vessels. And so it will be found, impossible to

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<sup>1)</sup> Resolutions of the Intern. Conf. of 1869. Sec II, 3, 4, 6.

keep sick or wounded people on board these iron-clads and Monitors for any length of time. For a squadron at sea, this may be of serious consequence.

May we then, — for the sake of Humanity, — ere-long, see every squadron with his own Hospital-ships in the rear. Then the sight of these white lofty vessels, (the only remaining models of the good old time of the «*wooden walls*»), with their airy port-holes and peaceable appearance, exhibiting the badge of Charity, — will be reconciling to Humanity, while beholding the big black sub-marine Monsters, roaring and foaming, like so many Demons of War, kept in check by the Angels of Peace!

#### THE HOSPITAL-RAFT.

The hospital-Raft (*Hospital-flösse*) is to be regarded as the chief-instrument for carrying out the purpose of the Red-Cross Societies at Sea. In the present state of modern warfare, probably only iron-clad ram-turret-monitors are to be used as fighting vessels, and in a sea-fight calamities will henceforth occur wholesale, for the battle in open sea must now be decided by the total destruction of one of the parties, if it is to be decided at all. The war-vessels will blow up, be run down, or sink, for the iron and steel improvements will enable them to withstand the force of shot and shell, as long as ammunition lasts, till a great catastrophe puts an end to the conflict. The wounded will be less numerous behind the sub-marine iron walls, or within the iron shot-proof turrets; but a whole crew, or a great part of those who survive a catastrophe, may be struggling with death in the water at the same time, and would surely perish, if they had to be

picked up by common boats, and besides that, where are the boats to be launched at such a moment?

In such disasters, the Hospital-Rafts, neutral, and always ready at hand, are the only means for rescuing a mass of drowning wounded men between the fighting vessels, and carrying them safely for help to the Hospital-ship, — (A description of the Hospital-Raft will be given hereafter).

As the Hospital-ship, even when viewed in its full meaning as a Rescuing-vessel (*bâtiment de secours*) — cannot be expected to be able to introduce itself between the fighting vessels, or to approach closely a sinking vessel or one on the point of blowing up, — so as to give direct help, from the decks to the shipwrecked, by throwing life-buoys or ropes to the persons in danger, — it must necessarily devolve on the Hospital-Rafts, with their peculiar buoyancy, agility and low position, — almost on a level with the surface of the sea, — to render all direct help, by taking over the crew from vessels in a helpless state, or by hauling up the shipwrecked out of the water, by means of ropes attached to some floating object of sufficient buoyancy to keep a man afloat while grasping it. With such means of rescuing, the Rafts sent on duty, must be amply supplied. The ropes to be used for such purpose must be *Manilla*, which is more buoyant than tarred hemp.

The usefulness of *circular Life-buoys*, to be thrown from the Rafts or the decks of the Hospital-ships, — to support persons, who have fallen into the water, until they can be reached, — will not escape notice, as this is the common practice of rescuing on board every vessel. The most efficient way to give the whole crew of a vessel, immediately after a catastrophe, sure means of keeping afloat till they

can be rescued by the Hospital-Rafts, are *Life-belts*, (on the plan of Capt. J. R. Ward, Brit. R. N. Inspector of Lifeboats to the N. L. B. Institution) which every man has to keep on during the whole fight, and besides that, the *Cork-Matrasses* — ordinary sized hammock-matrasses, stuffed with buoyant materials. Both of these precautionary means are used in the Russian Navy.

#### INTERNATIONAL REGULATIONS FOR THE RED-CROSS SOCIETIES AT SEA.

By the Commissioners of the different Governments — signers of the Convention, at Geneva, the 20<sup>th</sup> of October 1868, is regulated the state of neutrality of the Hospital-Ships and other vessels of the Societies, of their crews and personnel for the hospital-service, and of all, who are picked up by these vessels during an action. But as the sort of vessel to be used and their movement and position, during action, is left to their own discretion and risk, it would prove of great utility to the common cause, if the different nationalities of the Red-Cross were to come to an agreement, — at the present international conference, — on these and other points, which it may be found necessary to stipulate, for the common service of the Red-Cross at sea.

For the international regulation of the position and service of the Hospital-Ships and their Rafts and Boats in a sea-fight, the following points have to be settled.

##### 1o. Sort of vessels.

- a. The sort of vessel to be used as Hospital-Ships, by all Nations, so, that no fear can be entertained, that a



Hospital-Ship could ever be used for fighting purposes.

- b. The best sort of Hospital-Raft.
  - c. The Hospital-Ships must be unarmed, but to afford security for the inmates, their decks may be made bomb-proof.
- 2°. *Distinguishing Colour, Badge and Signals.*
- a. With the National-colours at the stern, the Societies' vessels bear the neutrality-ensign, — the white flag with the Red-Cross, — at the main-topmast.
  - b. It is necessary to stipulate: 1°. The signal, by which the neutral Hospital-Ship can be recognized *by night*, (*a red light under a white one*), at the main-top-mast. 2°. The *signal of distress* (*yellow flag, and, by night, a red light*). 3°. The signal of being able and ready to give help (*yellow flag with the Red-Cross, and by night, two red lights perpendicular*). <sup>1)</sup>
  - c. The Hospital-Rafts and the Boats for the manoeuvring of the Rafts, if necessary, are, like the Hospital-Ships, painted white with the red band along the outsides.
  - d. The crews of Hospital-Ships, Rafts and Boats are to be dressed in white, with the neutrality badge on the arm. They can never be used for any work belonging to the fighting-vessels, but must be strictly kept to their neutral duty.

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1) Resolution of the Intern. Confer. of 1869 Sec. II no. 14. Idem no. 5 & 7.

3°. The place of the Hospital-Ships in the fleet; when in motion out of action; in line of battle; while chasing and while retreating. Their position to be kept out of the line of fire, when the parties are in action. All to be regulated in General-Instructions for the Captains of the Hospital-Ships and the Naval Commissioners of the Red-Cross-Societies <sup>1)</sup>).

4°. The place of the Hospital-Rafts, during action, always ready at hand, to pick up the shipwrecked and the wounded.

5°. General-Instructions, for the Surgeons, Nurses, and Helpers of the Societies, with regard to their mutual *international relation* and to *their relation towards the Naval Authorities*. These regulations to be made as uniform as possible, for the different Nationalities of the Red-Cross Societies.

6°. The rewards to be offered to promote brave acts of humanity, during an action. A pension to those, who become disabled, while rescuing or helping the shipwrecked and the wounded, and the support to be granted to the family of those who have lost their lives in these actions.

7°. The International Signal-Code must be so drawn up as to be readily used among the Hospital-Ships, Rafts and Boats of all parties, for mutual recognition and help of the Red-Cross at sea, by day and by night.

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2) Resolution of the Intern. Confer. 1869. Sec. II no. 11. Idem no. 9.

## PREPARATIONS IN TIME OF PEACE.

After having regulated the conditions under which the Red-Cross Societies may fulfil their task in time of war to its utmost extent, so far as human power can reach, we must trace their duty in time of peace, to be ever ready when their benevolent aid is required.

In the first place, we must entertain, through periodical International Conferences, a cordial mutual understanding between the different Maritime Nationalities of the Red-Cross Societies, with regard to the best measures to be adopted for carrying out their common purposes in time of war. For instance: it is most requisite to agree upon the best model for an Hospital-Raft, in order to facilitate general mutual help in time of action.

The Red-Cross Societies must regulate their respective relations with the Military-Naval-Authorities.

The Materiel to be used by the Red-Cross Societies at sea, must be determined upon, by special statements. In time of peace, models must be procured, by purchase or exchange, and notes taken of the manufactures and places of production. The Materiel of the Red-Cross Societies must, — as far as its special destination allows, — be procured in the manner and constructed on the models of the Military Navies.

With the view of general utility, and with the object of encouraging new inventions to alleviate the calamities of war, it is desirable to establish at the place of residence of the respective Central-Committees, permanent exhibitions of articles, destined for the rescuing and medical help of the shipwrecked and the wounded.

The special Corps of Sicknurses and Helpers for the

Hospital-Ship-service at sea, must be organized and instructed. The exercise of the crews of Hospital-Ships and Rafts must not be neglected in time of peace. The Red-Cross Societies must come to an understanding with their respective Military-Naval-Departments, to the effect, that one or more Hospital-Ships, with full complement of crew and nurses, and fitted out for use in time of war, may be attached to every evolution-squadron. To these preparatory measures in time of peace, the Red-Cross Societies contribute according to their means, and the arrangement made with the respective Naval Departments. The Hospital-Rafts must be tried during the cruise, and the crews of the rafts trained under different circumstances as to weather and sea.

In this way, we shall acquire practical proofs and experience, and be able to judge what is best to be done, in order to be ever prepared to meet the calamities of a naval war.

Although we have here only to do with the affairs of the private Aid-Societies, yet we cannot avoid recommending the Naval-Departments to profit by the time of peace, in fitting out Hospital-Ships, which can enjoy the benefit of *entire neutrality*, as stipulated by the paragraph, added to the 9<sup>th</sup> additional article of the Genevese Convention. The wooden, unprotected and unarmed vessels, with so many vulnerable points, fitted out as described in these pages for Hospital-Ships, cannot be used for fighting, and consequently, as not being adapted to fighting purposes (*impropres au combat*) and their equipment exclusively appropriated to their special destination as *Floating-Hospitals*, — they will answer all the exigencies of the said 9<sup>th</sup> additional article and its fortunately adopted paragraph. —

## DESCRIPTION OF THE HOSPITAL-RAFT.

In conclusion we will give a description of the Hospital-Raft, from which we expect the most efficient help in battles on open sea.

The Hospital-Raft is the vessel, by which, under every circumstance of wind and weather, with hollow, chopping and beating seas (*Hohle-see*, *Stampf-see*) and in the surf (*Brandung*), persons can be picked up out of the sea, in circumstances when this cannot be accomplished by an ordinary or even life-boat, without danger of being swamped or capsized.

This Raft is composed of three or more air-tight (*luft-dicht*) cylinders of gutta-percha or other elastic material 20 to 22 feet long, and 24 to 26 inches in diameter (Engl. measure). These cylinders are encased in strong canvas cylinders, and connected together, by means of heavy canvas-flanges (*Seitenstück*). On the top of, and across these cylinders, are placed 5 or 6 strong planks, 2 inches thick and 14 inches broad, which are lashed, at each end, and between the cylinders, by means of ropes, passed in holes of the planks and through the side-pieces of the canvas cylinders. These planks answer the double purpose of stretchers to keep the cylinders apart and in shape, when inflated and also as seats for passengers. Between these seats are fixed the sick-transport cots, ready to receive the patients, and furnished with the slings, to be hoisted up, through the port-holes on the sick-deck of the Hospital-Ship, as before described. When the Raft is not in use, the cylinders are flattened out and rolled up across these planks, which remain attached to the cylinders.

Across these planks, at each end, and lengthwise of the outer-cylinders, are fastened, — by means of bolts at the end of the planks and rope-lashings to the flanges of the outer-cylinders, — beams of suitable dimensions which answer the double purpose of gunwale (*Balkwäger*, *Dollbord*) and for attaching row-locks or tholes (*Ruderklamp*, *Dullen*) for the oars, for propelling and manoeuvring the raft.

To each of the air cylinders is attached an air-valve (*Luft-klappe*) which can be opened and shut at leisure and when it becomes necessary to use the Raft, an inflating bellows (*Aufblähungs-blasebalg*) — which always attends the Rafts, — is attached to each air-valve and the Raft is got in readiness to be launched in the space of eight or ten minutes.

The gutta-percha or inside cylinder is but an air reservoir and has no strain to bear. The canvas or outer cylinder, being of smaller dimensions than the inner or air cylinders, it becomes impossible to inflate the air-cylinder to its full extent or beyond its strength; consequently, the entire wear and strain falls upon the outer or canvas cylinders, which can be repaired by any person, either on board ship or in foreign countries, if necessary. So that, by this method of construction, strength and durability are combined with simplicity and cheapness.

Rafts, composed of floats, constructed of gutta-percha, coated with canvas, will prove of more than ordinary value to Hospital-ships. The chief qualities of these Rafts are: 1°. They can be cast overboard in the roughest sea, as the raft cannot be stove (*schmoren*, *unter Wasser drucken*) when alongside of the vessel, — (an accident to which life-boats are liable) — nor be swamped or capsized. 2°. They can

be got ready for service in eight or ten minutes. 3°. When not in use, they can be collapsed, rolled up and stowed away in a small space, so that a dozen of these rafts, would hardly occupy more room than a good sized life-boat of ordinary construction.

The Raft, of which we have here given a description, as desirable for an Hospital-Raft, is not a new invention of ours. In fact, it bears relation to all classes of floats, constructed of flexible air- and water-proof materials coated with canvas; capable of being collapsed and folded up into a small space; — as an Hospital-Ship has no room to carry enough life-boats of ordinary size, to answer the exigencies of a sea-battle. Different sorts of life-saving rafts are used by American vessels.

A 3-cylinder raft, when inflated and ready for use, must have a length of 22 feet and a breadth of 13 feet, with a buoyant capacity of ten thousand pounds, and a deck surface for passengers of 264 square feet; and when rolled and packed up for stowing away, it takes up only a space of about two feet in diameter, by thirteen feet long, with a weight of about five hundred pounds. On trial, it must be pulled to windward through a heavy sea in a gale of wind, with six oars, at the rate of five miles an hour, making very little or no water and riding the sea to perfection, with thirty men on it. For the object of the Red-Cross at Sea, this raft is to be strongly recommended, with some additions for the special service of an Hospital-Raft.

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## VALEDICTORY.

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Our task is at an end. Short but cordial and well meant has been our intercourse with the reader in these few pages, — and we bid him farewell with the hope, that these few remarks and hints, for the practical extension of the blessings of Peace in Social Evolution, may incite abler and more competent writers to devote their best abilities to the subject. May this lead at least, to some essential measures for the help of the poor victims on the dreadful fields of universally detested War, which Mankind is not yet ripe to extinguish.

«It is true, lamentably true, that war is not extinct. Its animating causes are too deeply lodged in Human Nature to be soon eradicated or brought in subjection to higher and holier motives — Our palaeontologists, fresh from the grand wars of antique Saurians; our entomologists, familiar with the wiles of the spider and the aggressions of the scorpion; our ornithologists studious of fly-catchers and birds of prey; our herpetologists, learned in the elaborate mechanism of poisonous fangs; our naturalists, curious in the teeth and claws of carnivorous mam-



mals, all will tell us, that nature is not, never has been, and never will be a member of the peace-society. *Why* this is so, is one of those hard ethical questions, which, when pursued, takes refuge in the regions of cavernous gloom, where the origin of evil dwells. Man too has his fists and teeth, and his history gives sadly continuous evidence, that he has never yet lacked power and will to use them. Enlightened Christianity may wonder and weep over human perversity, but ages must pass before its great millennial victory, — and man meantime, will be as he always has been, a creature of passions, inferior in reason, unconsecrate in heart and life. So history teaches, so wise men must see, and seeing will strive, by all means, to defend him against himself.»

With these terms an able scientific warrior once introduced a lecture on engineering in modern warfare; <sup>1)</sup> — and, however painful to acknowledge, — nothing is more true, for it is a picture drawn from Nature. — But, another side of the picture of this most curious creature in the world, called Man, is, — praise to a merciful Creator, — not less true: the picture of man *as a moral being*, — as we have tried to reflect him in these pages.

Attack the arch-instigators of war and not the apostles of peace, who, as your own conscience tells you, are leaders on the right road to true civilization, such as the human Moral-Senses indicate, though they be perhaps too far in advance of the present generation to serve as practical guides.

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1) Modern Warfare, Its Science and Art; by Capt. E. B. Hunt (U. S. Engineers).

When narrow-minded jealousy, aroused by another's progress in commerce or colonization, — which has been the only cause of so many maritime wars, and always threatening, — has no chance to enforce its malevolence; when the military creed is purified from notions of aggression; when prize money is no more to be easily pocketed as the reward for hunting down defenceless merchant vessels on the high seas, and lawyers desert the prize-courts, — you will be nearer to peace than ever Nations were in the golden age of plunder, general reprisals and privateers, enhanced by prize-court lustration.

Though war may sometimes be in our imperfect state of existence, a necessary evil, to prevent greater evils, yet the joy with which we welcome the return of peace, as a Heavenly gift, proves that man has higher intellect than war-provoking selfish passions and ambition for vain glory, and while human interest will sanction preparations for war, for the destruction of human beings, — it is still Human Benevolence, — emanating from its heavenly source and ever subsisting, — which teaches us the precautionary measures to secure help to our fellow-creatures, as the provident charity ordained by Christianity.

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## A P P E N D I X.

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### Liste des Gouvernements représentés à la Conférence de La Haye, 1899, et de leurs Délégués.

#### **Allemagne.**

- Son Exc. le Comte De Münster, Ambassadeur d'Allemagne à Paris, Premier Délégué.
- M. le Baron De Stengel, Professeur à l'Université de Munich, Second Délégué.
- M. le Docteur Zorn, Conseiller Intime de Justice, Professeur à l'Université de Königsberg, Délégué scientifique.
- M. le Colonel De Gross De Schwarzhoff, Commandant du 5<sup>ème</sup> Régiment d'Infanterie, n<sup>ro</sup>. 93, Délégué technique.
- M. le Capitaine de Vaisseau Siegel, Attaché Naval à l'Ambassade Impériale à Paris, Délégué technique.
- M. D'Erckert, Secrétaire de Légation, Secrétaire adjoint.

#### **Amérique. Etats-Unis d'.**

- Son Exc. M. White, Ambassadeur des Etats Unis à Berlin, Délégué.
- M. Stanford Newel, Envoyé extraordinaire et Ministre plénipotentiaire à la Haye, Délégué.
- Hon. Seth Low, Président de l'Université de Colombie à New-York, Délégué.

- M. A. T. Mahan, Capitaine de Vaisseau, Délégué.
- M. W. Crozier, Capitaine d'Artillerie, Délégué.
- M. F. W. Holls, Avocat à New-York, Délégué et Secrétaire de la Délégation.
- M. Thomas G. Mac. Grath, Secrétaire de la Délégation.
- M. James Harris Vickery, Secrétaire de la Délégation.
- M. Thomas Morrison, Secrétaire de la Délégation.

#### **Autriche-Hongrie.**

- Son Exc. le Comte R. De Welsersheimb, Ambassadeur extraordinaire, Premier Délégué.
- M. A. Okolicsányi de Okolicsna, Envoyé extraordinaire et Ministre plénipotentiaire à la Haye, Second Délégué.
- M. Gaétan Mérey De Kapos-Mére, Conseiller d'Ambassade et Chef du Cabinet du Ministre des Affaires Etrangères. Délégué adjoint.
- M. Henri Lammach, Professeur à l'Université de Vienne, Délégué adjoint.
- M. Victor de Khuepach zu Ried, Zimmerlehen et Haslburg, Lieutenant-Colonel de l'Etat-Major général, Délégué adjoint.
- M. le Comte Stanislas Soltyk, Capitaine de Corvete, Délégué adjoint.

#### **Belgique.**

- Son Exc. M. Auguste Beernaert, Ministre d'Etat, Président de la Chambre des Représentants, Délégué.
- M. le Comte De Grelle Rogier, Envoyé extraordinaire et Ministre plénipotentiaire à la Haye, Délégué.
- M. le Chevalier Descamps, Sénateur, Délégué.

#### **Bulgarie.**

- M. le Docteur D. Stancioff, Agent Diplomatique à St. Petersbourg, Premier Délégué.

M. le Major Chr. Hessap tchiew, Attaché Militaire  
Second Délégué.

### **Chine.**

M. Yang Yü, Envoyé extraordinaire et Ministre plénipotentiaire à St. Pétersbourg, Premier Délégué.  
M. Lou-Tseng-Tsiang, Second Délégué.  
M. Hoo-Wei-Teh, Second Délégué.

### **Danemark.**

M. le Chambellan Fr. E. De Bille, Envoyé extraordinaire  
Ministre plénipotentiaire à Londres, Premier Délégué.  
M. J. G. F. Von Schnack, Colonel d'Artillerie, Ancien  
Ministre de la Guerre, Second Délégué.  
M. le Baron Othón Reedtz-Thott, Secrétaire au  
Ministère des Affaires Etrangères, attaché à la Délégation.

### **Espagne.**

Son Exc. le Duc De Tetuan, Ancien Ministre des Affaires  
Etrangères, Premier Délégué.  
M. W. Ramirez De Villa Urrutia, Envoyé extraordinaire  
et Ministre plénipotentiaire à Bruxelles, Délégué.  
M. Arthur de Baguer, Envoyé extraordinaire et Ministre  
plénipotentiaire à la Haye, Délégué.  
M. le Comte Del Serrallo, Attaché militaire à la Légation  
d'Espagne à Bruxelles.  
M. Crespo, Secrétaire d'Ambassade, Secrétaire de la  
Délégation.

### **France.**

M. Léon Bourgeois, Ancien Président du Conseil,  
Ancien Ministre des Affaires Etrangères, Membre de la  
Chambre des Députés, Premier Délégué.  
M. Georges Bihourd, Envoyé extraordinaire et Ministre  
plénipotentiaire à la Haye, Deuxième Délégué.

- M. le Baron D'Estournelles De Constant, Ministre plénipotentiaire, Membre de la Chambre des Députés, Troisième Délégué.
- M. P e p h a u, Contre-Amiral, Délégué technique.
- M. Mounier, Général de Brigade, Délégué technique
- M. Louis Renault, Professeur à la Faculté de Droit de Paris, Délégué technique.
- M. Albert Legrand, Secrétaire d'Ambassade de 2<sup>ème</sup> Classe, Secrétaire de la Délégation, Secrétaire de la Conférence.
- M. A. B o p p e, Secrétaire d'Ambassade de 2<sup>ème</sup> Classe. Secrétaire de la Délégation.
- M. M. Jarousse de Sillac, Attaché d'Ambassade, Secrétaire de la Délégation, Secrétaire de la Conférence.
- M. O. H o m b e r g, Attache d'Ambassade, Secrétaire de la Délégation.
- M. Louis Legendre, Secrétaire adjoint.
- M. le Baron Pichon, Lieutenant de Cavalerie, Secrétaire adjoint.

### **Grande Bretagne et Irlande.**

- Son Exc. Sir Julian Pauncefote, G. C. B., G. C. M. G., Ambassadeur du Royaume Uni à Washington, Premier Délégué.
- Sir Henry Howard, K. C. M. G., C. B., Envoyé extraordinaire et Ministre plénipotentiaire à la Haye, Second Délégué.
- Sir John A. Fisher, K. C. B., Vice-Admiral, Délégué technique.
- Sir J. C. Ardagh, K. C. I. E., C. B. Général-Major, Délégué technique.
- M. le Lieutenant-Colonel C. a C o u r t, Attaché Militaire.
- M. Richard Ponsonby Maxwell, Premier Secrétaire de la Délégation.
- M. Arthur Peel, Deuxième Secrétaire de la Délégation.

- M. Ronald James Hamilton, Troisième Secrétaire de la Délégation.

**Grèce.**

- M. Delyannis, Ancien-Président du Conseil, Ancien Ministre des Affaires Etrangères, Envoyé extraordinaire et Ministre plénipotentiaire à Paris, Délégué.  
M. Alexandre Mercati, Secrétaire du Ministre.

**Italie.**

- Son Exc. le Comte Nigra, Ambassadeur d'Italie à Vienne. Sénateur du Royaume, Premier Délégué.  
M. le Comte A. Zannini, Envoyé extraordinaire et Ministre plénipotentiaire à La Haye, — Second Délégué,  
M. le Commandeur Guido Pompilj, Membre de la Chambre des Députés à Rome, Délégué juriste.  
M. le Chevalier Louis Zuccari, Général-Major, Délégué technique.  
M. le Chevalier Auguste Bianco, Capitaine de Vaisseau, Attaché Naval à l'Ambassade Royale à Londres, Délégué technique.  
M. le Baron Charles Fasciotti, Attaché d'Ambassade Secrétaire adjoint.  
M. Ernest Artom, Attaché de Légation, Secrétaire adjoint.

**Japon.**

- M. le Baron Hayashi, Envoyé extraordinaire et Ministre plénipotentiaire à St. Pétersbourg, Premier Délégué.  
M. J. Motono, Envoyé extraordinaire et Ministre plénipotentiaire à Bruxelles, Second Délégué.  
M. Uyehara Colonel, Délégué technique.  
M. Sakamoto, Capitaine de Vaisseau, Délégué technique.  
M. Ariga, Professeur de Droit International à l'Ecole Supérieure de la Guerre et à celle de la Marine. Délégué technique.  
M. Nishi, Secrétaire de la Délégation.



**Luxembourg.**

Son Exc. M. Eyschen, Ministre d'Etat, Président du Gouvernement Grand Ducal, Délégué.

M. le Comte De Villers, Chargé d'Affaires à Berlin, Délégué.

**Mexique.**

M. de Mier, Envoyé extraordinaire et Ministre plénipotentiaire à Paris, Délégué.

M. Zenil, Ministre-Résident à Bruxelles, Délégué.

**Pays-Bas.**

M. le Jonkheer A. P. C. van Karnebeek, Ancien Ministre des Affaires Etrangères, Membre de la Seconde Chambre des Etats-Généraux, Délégué.

M. le Général J. C. C. den Beer Poortugael, Ancien Ministre de la Guerre, Membre du Conseil d'Etat, Délégué.

M. T. M. C. Asser, Membre du Conseil d'Etat, Délégué.

M. E. N. Rahusen, Membre de la Première Chambre des Etats-Généraux, Délégué.

M. A. P. Tadema, Capitaine de Vaisseau, Chef de l'Etat-Major de la Marine Néerlandaise, Délégué.

**Perse.**

M. le Général Mirza Riza Khan, Arfa-Ud-Dofleh Envoyé extraordinaire et Ministre plénipotentiaire à St. Pétersbourg, Premier Délégué.

M. Mirza Samad Khan, Momtazis-Saltaneh, Conseiller de légation à St. Pétersbourg, Délégué-adjoint.

M. Samuel De Poliakoff, Secrétaire de la Délégation.

M. le Baron G. De Levi, Secrétaire de la Délégation.

**Portugal.**

M. le Comte De Macedo, Envoyé extraordinaire et Ministre plénipotentiaire à Madrid, Délégué.

M. D'Ornellas Vasconcellos, Envoyé extraordinaire

- et Ministre plénipotentiaire à St. Pétersbourg, Délégué.  
M. le Comte De Selir, Envoyé extraordinaire et Ministre plénipotentiaire à la Haye, Délégué.  
M. le Capitaine Ayres D'Ornellas, Délégué technique.

**Roumanie.**

- M. Alexandre Beldiman, Envoyé extraordinaire et Ministre plénipotentiaire à Berlin, Premier Délégué.  
M. Jean N. Papiniu, Envoyé extraordinaire et Ministre plénipotentiaire à la Haye, Second Délégué..  
M. le Colonel Aide-de-Camp Constantin Coanda, Directeur de l'Artillerie au Ministère de la Guerre, Délégué technique.

**Russie.**

- Son Exc. M. le Conseiller Privé Actuel, De Staal, Ambassadeur de Russie à Londres, Premier Délégué.  
M. de Martens, Membre Permanent du Conseil du Ministère Impérial des Affaires Etrangères, Conseiller Privé, Délégué.  
M. le Conseiller d'Etat Actuel De Basily, Chambellan, Directeur du Premier Département du Ministère Impérial des Affaires Etrangères, Délégué.  
M. le Conseiller d'Etat Actuel Raffalovich, Agent du Ministre Impérial des Finances à Paris, Délégué technique.  
M. Jilinsky, Colonel de l'Etat-Major Général, Délégué technique.  
M. le Comte Barantzew, Colonel de l'Artillerie Montée de la Garde, Délégué technique.  
M. Schéine, Capitaine de frégate, Agent Naval de Russie à Paris, Délégué technique.  
M. Ovtchinnikow, Lieutenant de Vaisseau, professeur de jurisprudence, Délégué technique.  
M. le Gentilhomme de la Chambre Prikloonsky, Chef de Section au Premier Département du Ministère Impérial des Affaires Etrangères, Secrétaire de la Délégation.  
M. N. A. Gourko-Romeiko, 2<sup>ème</sup> Secrétaire d'Ambassade, Secrétaire de la Délégation.

- M. le Baron M. F. De Schilling, 3<sup>ème</sup> Secrétaire à la Chancellerie du Ministère Impérial des Affaires Etrangères, Secrétaire de la Délégation
- M. Hessen, Chef de Bureau au Ministère Impérial de la Justice, Secrétaire de la Délégation.
- M. Birilef, Secrétaire de la Délégation.

### **Serbie.**

- M. Miyatovitch, Envoyé extraordinaire et Ministre plénipotentiaire à Londres, Délégué.
- M. le Colonel Maschine, Envoyé extraordinaire et Ministre plénipotentiaire à Cettigné, Délégué.
- M. le Docteur Voïslave Veylkovitch, Professeur à la Faculté de Droit à Belgrade, Délégué adjoint.

### **Siam.**

- M. Phya Suriya, Envoyé extraordinaire et Ministre plénipotentiaire à Paris, Premier Délégué.
- M. Phya Visuddha, Envoyé extraordinaire et Ministre plénipotentiaire à Londres, Deuxième Délégué.
- M. Ch. Corragioni d'Orelli, Conseiller de Légation, Troisième Délégué.
- M. Edouard Rolin, Consul-Général de Siam en Belgique, Quatrième Délégué.
- M. J. A. N. Patijn, Attaché à la Délégation.

### **Suède et Norvège**

- M. le Baron Bildt, Envoyé extraordinaire et Ministre plénipotentiaire près la Cour Royale d'Italie Délégué.
- M. le Colonel P. H. E. Brändström, Commandant du premier Régiment de la Garde, Délégué technique.
- M. C. A. M. de Hjulhammar, Commandeur dans la Marine Royale, Délégué technique.
- M. W. Konoow, Président de l'Odelsting, Délégué technique,
- M. J. J. Thaulow, Général-Major, Médecin Général de l'Armée et de la Marine, Délégué technique.

**- CROS:**



M. F. de Rappe, Secrétaire au Ministère des Affaires Etrangères, Secrétaire de la Delegation.

**Suisse.**

M. le Dr. Arnold Roth, Envoyé extraordinaire et Ministre plénipotentiaire à Berlin, Délégué.

M. le Colonel Arnold Kunzli, Conseiller National, Délégué.

M. Edouard Odier, Conseiller National, Délégué.

M. A. Suter, Secrétaire adjoint du Departement politique fédéral, Secrétaire de la Délégation.

**Turquie.**

Son Exc. Turkhan Pacha, Ancien Ministre des Affaires Etrangères, Membre du Conseil d'Etat, Premier Délégué.

S. E. Noury Bey, Secrétaire-Général au Ministère des Affaires Etrangères, Délégué.

S. E. Abdullah Pacha, Général de Division d'Etat-Major, Délégué.

S. E. Mehemed Pacha, Contre Admiral, Délégué.

Yousseuf Bey, Chef du Cabinet du Ministre des Affaires Etrangères, Secrétaire de la Délégation.

Aghiah Bey, Sous-Chef du Bureau des Traductions au Ministère des Affaires Etrangères, Secrétaire de la Délégation,

Djevad Bey, Lieutenant-Colonel, Secrétaire de la Délégation.

Cherif Bey, Adjoint des Conseillers légistes de la Sublime Porte, Secrétaire de la Délégation.



